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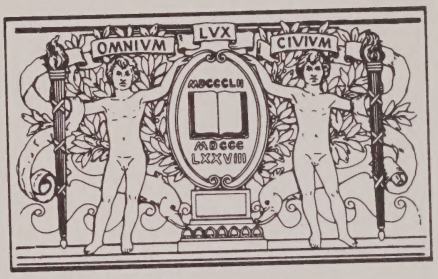

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NORTH AMERICAN REVIEW.

No. XLVIII.

NEW SERIES, NO. XXIII.

JULY, 1825.

ART. I.—*United States Naval Chronicle.* By CHARLES W. GOLDSBOROUGH. Vol. I. 8vo. pp. 395. Washington. 1824.

IT is the common fate of events, however conspicuous they may have been, which have ceased to occupy the public mind, without having yet attained a place in history, to sink into temporary oblivion. Our regards are generally fixed on the present, or thrown back upon the remote past, like the memory of old age, which leaps over the interval between childhood and its latter days. We behold the occurrences rising around us, and we are deeply versed in the records of other times; but few, save the grateful and the curious, recollect achievements, which are too old for popular enthusiasm, and too recent for deliberate history. Indeed, it is difficult to bring them into view. They exist in the scattered chronicles of their day, but mingled with a heterogeneous mass, appalling to common industry, awaiting the patient research of some laborious compiler, who will gather up the *disjecta membra*, and present them to the world with some degree of form and compactness. To appreciate our obligations to these assiduous chroniclers, it is only necessary to recall to mind the difficulty, which each one has probably experienced,

in tracing back the connexion of modern events, that are still floating in all the looseness and uncertainty of ephemeral publications.

There are no events connected with the early history of the United States, which have been more neglected, than those that took place on the ocean. The most juvenile reader is well acquainted with all the prominent battles and sieges of the revolution; but a comparatively few persons have any distinct knowledge of the many gallant struggles of our infant navy. The all absorbing interest of the transactions on land, where the cause of liberty was chiefly sustained, diverted attention from sea. Every one had a vague idea of the sanguinary triumphs of Paul Jones; but there recollection seemed to pause; forgetful of exertions, which, though often humble through inadequate means, spread annoyance through the wide commerce of Britain.

The first attempt to rescue these honorable and patriotic services from threatening oblivion, was made by Mr Clarke, in his *Naval History*, compiled during the late war. At that time, the navy of the United States, respectable in force and thorough in discipline, had drawn the public attention to its element, by a series of successes almost unexampled. Curiosity was broadly awake, and eager to turn back to the triumphs of its earlier days. Mr Clarke has succeeded in retrieving many materials from forgetfulness, which will be useful in illustrating our national history; and he reviews several acts of heroism and enterprise, which might soon have passed beyond the reach of search. Mr Goldsborough, in his Naval Chronicle, whose title forms the head of this article, has trod in the same path, with the same laudable intentions. His account of revolutionary events is rather meager and desultory; but this, he says in his preface, did not form a part of his original plan; it is therefore a gratuity, of the scantiness of which we have perhaps no right to complain. In descending to later times, when we were involved in difficulties with France, and particularly where he comes down to the Tripolitan war, he enters into a fulness of detail, which renders his volume a valuable repository of historical facts, and official statements.

During their colonial state, the North Americans were often engaged in maritime warfare, as auxiliaries in the enterprises of the mother country; and in many of them, they were dis-

tinguished for their activity. Their zeal and sacrifices in these wars, waged generally for objects entirely distinct from their interest, evinced a heartiness and sincerity in their filial affection, which should have entitled them to a more grateful return. But these services, though repaid with contumely and injustice, were not without their benefits; they educated a hardy and expert marine, which was destined ere long for a higher duty, than that of abetting contentions arising out of transatlantic rivalries.

When at last the colonies, by their revolt, became separated from the mother country, they were at once deprived of all maritime protection. The fleets, which had before been stretched along their coast for defence, were suddenly converted into hostile armaments, already in possession of their harbors. Nothing remained with them, save the skill and moral energy, which had been acquired in former wars. It is a subject of surprise and admiration, that this revolt should have taken place, when the overwhelming maritime power of Britain was so well known; rendering her master of every avenue to the revolting country, and enabling her to transport her armies with such certainty and facility. It doubly enhances the boldness of the undertaking, and shows both the heaviness of the oppression, and the fearless character of the sufferers.

It would appear that, when resistance was contemplated by the colonies, a naval force was not taken into consideration. Such an idea might have been discouraged, by the utter hopelessness of contending with the mistress of the ocean. It was not until provoked by wanton aggressions upon their defenceless commerce, that they adopted measures of retaliation. These measures, for some time, were not the result of any executive or legislative authority, but sprang from the patriotic ardor of individuals or corporations. One of the most conspicuous of these incipient and spontaneous enterprises occurred at Machias, Maine, soon after the battle of Lexington. A vessel, which left Boston immediately after the 19th of April, carried to Machias the tidings of this first bloody aggression. The people in all quarters, goaded and exasperated, had waited but for this consummation of oppression, to break forth into fierce and resolute hostility. A forbearing spirit seemed to have restrained

them under the most powerful excitements, and had limited their opposition to the most scrupulous defence, until this aggravated violence released them from the last obligation. The moment this release was felt, a daring eagerness for action was manifested on every side.

A British armed schooner was at that time lying at Machias. Considering hostilities as now begun, a plan was immediately formed to capture the unsuspecting enemy. The first intention was to seize upon the officers of the schooner, while attending church on the following day, which was Sunday; but this design was defeated by the vigilance or the activity of the officers, who made their escape to the vessel, and, after firing a few random shot at the town, dropped down the bay. Unwilling to lose the prize, a party of volunteers the next day took forcible possession of a lumber sloop, and immediately began pursuit. The whole equipment for this sudden cruise consisted, according to Mr Goldsborough, of three charges of powder and ball for twenty fowling pieces, 'thirteen pitchforks, ten or twelve axes, a few pieces of salt pork, &c.' No circumstance could more strikingly exhibit the reckless and confiding bravery of this little band, than that it should have been without any acknowledged leader, until the moment of overtaking the enemy; when Mr Jeremiah O'Brien was chosen by unanimous consent. Unappalled by the disparity of force, he at once laid his sloop alongside of the schooner, and, after a short but severe contest, carried her by boarding. The British vessel is said to have had four six pounders, twenty swivels, two wall pieces, and an abundance of cutlasses, firearms, and ammunition, and a crew consisting 'of two commissioned officers, and thirtyeight petty officers and men.' The crew of the lumber sloop is stated to have been less than forty. With the armament of his prize, O'Brien fitted out a small vessel called the Liberty, and soon captured two other British armed schooners, sent out in pursuit of him, whose crews he conducted prisoners to Boston, where, upon the recommendation of General Washington, he was appointed a Captain by the Provincial Congress of Massachusetts. Returning to Machias, he soon manned two vessels, the Liberty and the Diligence, with volunteers, sailed for New Brunswick, and took by surprise Fort Howe, with its garrison and military

stores, and a loaded brig, lying in the harbor, which was destined for the British troops at Boston.

The declaration of Independence had not yet been made. There was still an opening for accommodation; a lingering allegiance still existed in the hearts of the multitude, and a willingness to discriminate between king and ministers; and while the contest was supposed to be only with the latter, measures seldom extended beyond a defensive character. A small fleet was, however, equipped by the general Congress near the close of the year, 1775, with a view to more energetic operations. This first squadron that went forth upon the deep, in defiance of a power, whose immeasurable superiority gave it the character of a forlorn hope, consisted of the Alfred, thirty guns; the Columbus, twentyeight guns; Andrew Doria, sixteen guns; Sebastian Cabot, fourteen guns; and the Providence, twelve guns; and was under the command of Commodore Ezekiel Hopkins, who, hearing that the island of New Providence had large military stores unprovided with a proper defence, sailed thither, and succeeded in capturing the governor, the garrison, and stores. On his return, he made prize of a bomb brig; but failing in an engagement with the Glasgow, of twenty guns, which, after a gallant defence against the Cabot and the Alfred, made its escape from the fleet, he was much censured by his countrymen.

The beginning of the year 1776 was marked by many achievements, which were as honorable to the actors as serviceable to the country. The short and brilliant career of Captain Mugford of Boston attracts particular attention. We can hardly excuse Mr Goldsborough for having merely mentioned his name. According to Clarke's Naval History, this active and intrepid mariner was the master of a trading vessel, when he was appointed by General Ward, after much solicitation, to the command of the Franklin, a public armed vessel of four guns. It appears that General Ward, through want of confidence in him, which is not accounted for, subsequently intended to revoke the appointment; but Captain Mugford, through his indefatigable exertions, had already put to sea. His first prize was the Hope, a ship of 300 tons and six guns, which he captured in sight of the English Commodore, Banks. 'This vessel exceeded in value,' says Mr Clarke, 'anything

which had yet been captured by the Americans. Her cargo consisted of 1500 barrels of powder, 1000 carbines, a number of travelling carriages for cannon, and a most complete assortment of artillery instruments and pioneers' tools.' The unpreparedness, with which the colonies had begun the contest, rendered every acquisition of this kind of incalculable importance. In conducting his valuable prize to Boston, it was necessary, in order to avoid the British cruisers, to attempt a difficult and almost untried channel. He was successful in going up, but in coming down again shortly after, on another cruise, through the same passage, he ran aground, and while in that situation was discovered by the British squadron. Eight or nine barges were immediately despatched against him. Being aware of their approach, he first received them with his small arms, and then, cutting his cable so as to swing round, brought his broadside to bear; but before a second discharge could be made, many of the boats had reached the vessel. All efforts to board, however, were promptly and successfully repelled. In the midst of this close and desperate struggle, Captain Mugford, while reaching over the quarter, to seize the mast of one of the boats and upset her, received a pistol ball in his breast. Undismayed by the mortal wound, he called to his first Lieutenant, 'I am a dead man; do not give up the ship; you will be able to beat them off;' and in a few minutes after expired. But his daring spirit still animated his crew; the enemy was repulsed, with the loss of two barges, and many killed and wounded.

The name of Paul Jones has a kind of romantic familiarity with every American ear. Fireside tradition imprints upon the mind of almost every child, long before he dips into history, a vague idea of his desperate valor and sanguinary battles; and when, in riper years, he ascertains the sober truth, he is surprised and somewhat disappointed, to find how many exaggerated notions he has to surrender. Paul Jones was appointed a lieutenant in the American navy at the beginning of the revolution, and sailed in that capacity under Commodore Hopkins to New Providence. After his return he was appointed to the Providence, twelve guns, and in 1776 was promoted to the rank of a Captain. While still in command of the Providence, he fell in with the British armed vessel, Solebay, of twenty-

eight guns, and sustained an action with her for some hours, occasionally within pistol shot, and finally by his expertness extricated himself from her superior force. In the same cruise, he encountered the Milford, of thirtytwo guns, under circumstances which rendered an engagement unavoidable, and had a desultory and protracted fight with her, from ten o'clock in the morning until night, when he made his escape. Towards the close of the year Captain Jones was appointed to the Alfred, thirty guns, and sailed in company with the Hampden and Providence, on an enterprise against Isle Royale. He was separated by accident from his two consorts, but still persisted in his design, and not only succeeded in the principal object, but captured some prizes. On his voyage back to Boston, accompanied by one of these prizes, he again fell in with the Milford. By his skilful manœuvres he saved his prize, and had another long engagement with his old antagonist, which was terminated by a gale.*

*The best account of Paul Jones, which has appeared, is contained in the Edinburgh Encyclopedia. It was written by the Rev. Mr Duncan, near Dumfries, in Scotland, who was acquainted with the connexions of Paul Jones, and had access to all his papers. The following extract relates to his first entering into the American service.

'In the year 1773 he went to Virginia to arrange the affairs of his brother, who had died there without leaving any family, and about this time, in addition to his original surname, [his original name was John Paul,] he assumed the patronymic of Jones, his father's christian name having been John. This custom, which is of classical authority, has long been prevalent in Wales, and in various other countries, although it is not practised in that part of the island in which he was born.

'This visit revived and riveted the attachment, which young Paul Jones had conceived for America; and in spite of the native ardor and restless activity of his mind, he resolved to withdraw from the vicissitudes of a seafaring life, to fix his residence in that country, and to devote the remainder of his days to retirement and study. He was little aware of the turbulent scenes, in which he was destined soon to perform a part, nor of the conspicuous figure he was to make in them.

'The discontents of the colonists had by this time occasioned much commotion, and their murmurs became deeper and more frequent, till at last they fairly broke off all connexion with the parent country. Towards the end of the year 1775, it was determined by Congress to fit out a naval force to assist in the defence of American independence, and an anxious search was made for friends to the cause, who should be at once willing and able to act as officers on board their vessels. It now appeared that Paul Jones had, in his romantic schemes of tranquil enjoyment, falsely estimated the natural bent of his genius. With deep interest he had watched the progress of those political events, which were to decide the fate of his adopted country; and when an open resistance was made to the dominion of Great Britain, he could no longer remain an inactive spectator. Having only just completed his twentyeighth year, he was full of bodily vigor and of mental

In 1776, Captain Nicholas Biddle was appointed to the Randolph, of thirtytwo guns. He stood in the foremost rank of his profession for seamanship and courage. He sailed the next year with a small squadron on a cruise, after having made many important captures. In March, 1778, he fell in with the Yarmouth, a British sixtyfour gun ship. As they did not approach each other till the close of day, it is probable that her force was not distinctly ascertained by the Randolph, before the action commenced. Captain Biddle, however, ranged alongside with a resolute fearlessness, determined to engage her, whatever might be her force. A severe conflict began after dark, in the early part of which, Captain Biddle is said to have been wounded. Unable to stand, he had a chair brought on deck, and continued to animate his crew by his presence. After sustaining this unequal fight for about twenty minutes, the Randolph blew up, involving in awful and instantaneous destruction her gallant commander, and all her valiant crew, excepting four men, who were discovered four days afterward by the Yarmouth, floating on a piece of the wreck. Captain Biddle was but twentyseven years of age, when he was thus abruptly cut off from his friends and his country. But his name would still have been gratefully remembered, even if a later war had not revived it, on the same element, in all its early glory.

During the same year 1778, Captain Daniel Waters, who had become distinguished for his nautical skill and activity, took command of the privateer Thorn, sixteen guns. Not many days after leaving port, he discovered two sail in pursuit of him. They proved to be the Governor Tryon, sixteen

energy, and he conceived that his nautical skill would qualify him to be a distinguished asserter of the rights of the colonists. He was immediately appointed first lieutenant of the Alfred, one of the only two ships belonging to Congress, and on board that vessel, before Philadelphia, he hoisted the flag of independent America *the first time it was ever displayed.* In the course of a very active and successful campaign, having found means to gain the confidence of the marine committee by his zeal and intrepidity, he had not served many months before the president sent him a captain's commission.' *Ed. Encyc. Art. Paul Jones.*

At the conclusion of Mr Duncan's article he states, that 'among the admiral's papers were found *Mémoirs of his Life,* written with his own hand, a most interesting literary production, which it is in contemplation with his friends to present entire to the eyes of the public.' It is understood that one of our countrymen is preparing a Life of Paul Jones, and it is to be hoped, that measures will be taken to procure these papers, as any life written without them must be comparatively imperfect.

guns, and the Sir William Erskine, eighteen guns. The unequal combat began, and was kept up for two hours, when the Tryon struck, and the Erskine drew off. After repairing damages, Captain Waters, leaving the Tryon a complete wreck. pursued the Erskine, and, coming up with her, compelled her likewise to strike. Removing her officers on board the Thorn, he returned in search of his other prize, but where he expected to meet her, he found only floating spars and casks, and other indications that she had sunk. Captain Waters then manned the Erskine and ordered her to Boston, retaining on board the Thorn only sixty men, with which diminished crew he was to run new hazards and acquire new laurels. For not many days subsequently, he encountered the Sparlin, eighteen guns and ninetyseven men, and after an action of about an hour obliged her to yield to his thrice conquering flag.

The following extract, from Clarke's Naval History, exhibits a striking instance of the shrewd daring of our early seamen, and their aptitude to convert unlucky circumstances into means of triumph.

'In June 1779, an expedition of United States vessels was fitted out, and sailed from Boston. It consisted of the Providence, thirtytwo guns, Commodore Whipple; the Queen of France, twentyeight guns, Captain J. P. Rathburne; and the sloop of war, Ranger, Captain Simpson. About the middle of July, near the banks of Newfoundland, as the squadron lay in a fog, signal guns were heard; and at intervals the sound of ships' bells striking the hours. From this they supposed themselves to be near a fleet. About eleven o'clock the fog began to clear off, when the crew of the Queen of France, to their great surprise, found themselves nearly alongside a large merchant ship, and soon after they perceived themselves to be in a fleet of 150 sail, under convoy of a seventyfour, and several frigates and sloops of war. The Queen of France immediately bore down to the large ship, and hailed her. She answered that the fleet was from Jamaica, bound to London. The English ship then hailed the American, and was answered, his majesty's ship Arethusa, from Halifax, on a cruise. The American then inquired if they had seen any rebel privateers. The English replied that several had been driven out of the fleet. The American Captain, Rathburne, then requested the captain of the English vessel to come on board, which he did, when, to his great astonishment, he found himself a prisoner. Captain Rathburne then sent one of his own boats and

the English captain's boat, both well manned, to the ship, of which they took quiet possession, without exciting the least alarm in the fleet, notwithstanding many of the vessels were nearly within hail of the one captured. Rathburne then went alongside another large ship and captured her in the same manner. Soon after the capture of the second ship, Commodore Whipple came alongside, and ordered Captain Rathburne to edge away out of the fleet as soon as possible, as he was persuaded they would be discovered and overpowered. Captain Rathburne then pointed out the two large ships he had captured, and requested permission to remain. The Commodore at first disapproved of this project; but was at length prevailed upon by Captain Rathburne to stay in the fleet all day, and capture as many vessels as they could in the same cautious manner. As soon as it was dark they left the fleet, after having captured eleven vessels without giving alarm. The squadron arrived safe in Boston with eight of their prizes, three of them having been retaken by the English.' vol. i. pp. 94, 95.

It is with sentiments of reluctance and mortification, that we turn from the foregoing series of brilliant little achievements, to an expedition which was as unfortunate and disgraceful in its conclusion, as it was promising and creditable in its beginning. The plan of expelling the British from Penobscot, in 1779, originated in the most ardent and disinterested patriotism, and there is not, perhaps, on record, a more praiseworthy instance of spontaneous exertions and sacrifices, on the part of individuals, to cooperate with a necessitous government for the public good. Massachusetts, like ancient Sparta, who boasted that she had never seen the smoke of an enemy's camp, made it her boast that the enemy had never yet been able to maintain a foothold on her territory; and when the British took possession of Castine, she determined, at every sacrifice, to avenge the violated sanctity of her soil. The limited means of the state government were put to the severest requisition; and the general Congress was appealed to; but all these resources would have been insufficient, without the aid of the private wealth, which was surrendered to the use of government with such patriotic liberality. Three vessels, carrying in all fiftyeight guns, were obtained from the general government; three, carrying in all fortyfour guns, belonged to the state; the residue of the force, amounting to 224 guns, and 1760 men, was the

offering of private munificence. Captain Saltonstall, as the senior in rank, had the chief command. General Lovell commanded the land forces. Had he received a proper cooperation of the fleet, no doubt the objects of the expedition would have been fully attained. But incapacity or pusillanimity appears to have paralysed the directing power, and the troops, which had effected a landing and carried many of the enemy's batteries, after waiting in vain for assistance, were obliged at last to reembark, and escape with the squadron up the river, before an overwhelming force, which came to disturb their tardy operations. It is almost unnecessary to add, that the whole of this fleet was either taken or destroyed. There were several officers in the expedition, that had been conspicuous for their nautical experience and courage, who, chained down by the rules of subordination, saw their honors tarnished and their country disgraced, without the power of retrieving either. It is not the only instance, in which the high and paramount interests of a people have been jeoparded, by a punctilious adherence to the claims of rank, or a misplaced regard for individual feelings. We would not censure the orderly submission of the officers to their appointed chief, but the mistaken delicacy of government, which subjected them to such unworthy control.

During this year, Captain John Foster Williams, of the Protector, twenty guns, had an engagement with a vessel, which proved to be the Admiral Duff, thirtytwo guns, and which blew up after an action of an hour and a half. Commodore Preble was then a young midshipman on board the Protector, and we find him giving that early promise of future celebrity, which it is so delightful to trace back in an exalted character.

It was in this same eventful year, that Paul Jones, in the Bonne Homme Richard, forty guns, had his desperate and bloody action with the British frigate Serapis, fortyfour guns, and the Countess of Scarborough, twentytwo guns. The extraordinary obstinacy and carnage of this contest have given it a notoriety, and eclat, over all other naval actions of the Revolution. It was this, which surrounded his name with that kind of romantic splendor, that we have before alluded to, and which made it the burden of tradition as well as history. Mr Goldsborough gives but a brief account of the action, referring his readers to

Clarke's Naval History, in which the action is minutely described. The sinking of the Bonne Homme Richard, almost immediately after the victory, is a singular and somewhat affecting circumstance. We contemplate a hero, falling in the arms of victory, with the highest emotions; we cannot regard a vessel with the same exalted sentiments; but it is impossible to represent to ourselves an armed ship, going down with her triumphant flag waving over her, without some kindred feelings. The following anecdote, which Mr Goldsborough gives in a note, is very characteristic. 'When Captain Jones was in Paris, some short time after the action, he was informed that Captain Pearson [of the Serapis] had been knighted. "Well," said he, "he deserved it; and if I fall in with him again, I will make a Lord of him."'

It is with some unwillingness that we submit to the restrictions of our article, which oblige us to discontinue this very imperfect notice of the marine achievements of our Revolution. We shall not, however, lose our interest in the subject, by turning to a later era, when our navy had attained, under the new government, through the urgency of transatlantic difficulties, a comparatively respectable standing. In 1794 it was enacted by Congress, that 'a naval force should be provided,' for the protection of our commerce; and in pursuance thereof, four frigates of fortyfour guns, and two of thirtytwo, were put upon the stocks. We, who live in these days of settled independence, can scarcely credit the fact, that our commerce in the Mediterranean was at that time under the hired or gratuitous protection of Portugal, or some other foreign power; and that an Algerine Dey did not condescend to assign any other reason for hostility against us, than 'that he wanted employment for his corsairs and soldiers, whose cupidity must be gratified.' In 1796, a peace having been concluded with Algiers, the abovementioned act was so far modified, as to restrict the construction to two only of the fortyfour's, and one of the thirty-two's. But it was not until 1798, that two of them, the Constitution and the Constellation, were completed and equipped for sea. At this time our relations with France had become distracted, and we were on the eve of a war with her. Indeed, all treaties with that country were soon after declared to be abrogated, and these vessels, as well as several others, which

were directed to be purchased or built in consequence of this event, were sent to sea with instructions to protect and defend our commerce.

The first act of hostility between the two nations appears to have been committed by the Insurgente; which was in a short period after so signally beaten by one of our frigates. The schooner Retaliation, Lieutenant Commandant Bainbridge, being deluded into the power of this vessel, was captured and carried into Guadaloupe. Several other United States armed vessels were in company with the Retaliation, and pursued by the French squadron, but were probably saved from capture, as stated by Mr Goldsborough, by the address of Lieutenant Bainbridge, who, being asked by the French Commodore what was the force of the vessels chased, exaggerated it with so much adroitness, as to induce him to recall his ships.

The Constellation went to sea under the command of Captain Truxton. In February, 1799, he encountered the Insurgente, and, after a close action of about an hour and a half, compelled her to strike. The rate of the Constellation was thirtytwo guns, that of the Insurgente forty. The former had three men wounded, one of whom shortly after died, and none killed; the latter had fortyone wounded, and twentynine killed. This victory, which was so brilliant and decisive, with such a wonderful disparity of loss, gave great eclat to the victor and to the navy. We recognise among the subordinate actors in this triumph, the names of Rodgers, Sterrett, and Porter, which have since become well known to the nation.

Commodore Truxton again put to sea in the Constellation, being destined to renew his triumphs, and the humiliation of the foe. In February, 1800, he fell in with the Vengeance, a French ship of fiftyfour guns, with which he began an engagement, that lasted, with great obstinacy and spirit on both sides, from eight o'clock in the evening till one in the morning, when the Vengeance was completely silenced, and sheered off. The Constellation, having lost her mainmast, was too much injured to pursue her, before she had made her escape. The Captain of the Vengeance is said to have twice surrendered during the contest, but his signals were not understood amidst the darkness of night, and the confusion of the battle. The Vengeance had 160 men killed and wounded; the Constellation 39.

In September of the same year, the Insurgente, so honorably added to our little navy, and the Pickering, of fourteen guns, the former commanded by Captain Fletcher, the latter by Captain Hillar, were lost in the equinoxial gale of that season. Our readers are probably reminded, by these melancholy events of earlier times, of the more recent similar fate of the Wasp and the Epervier. There were circumstances attending the loss of Captain Blakely, who commanded the Wasp, which rendered it peculiarly affecting and impressive. Captain Blakely had long sailed his daring little bark over the broad Atlantic, like a knight errant of the deep, in quest of perilous adventures; and had already captured the Reindeer, and obliged the Avon to strike her flag, both vessels of the same class with the Wasp; when he disappeared from the face of the waters, and our record is suddenly brought to a close. The mind long clings to a hope, that such noble spirits may yet survive, may yet return to their native land; and it surrenders its delusions only to the indisputable evidence of time.

Our difficulties with France were soon after accommodated. But our navy was not destined to be inactive. Some of the Barbary powers were becoming hostile and predatory. Many of our citizens were already suffering in a captivity, the most deplorable to which Christians could be subjected. A squadron was sent out to the Mediterranean, which found Tripoli in open war. The Enterprise, of fourteen guns, Captain Sterrett, fell in with a Tripolitan ship of war of equal force. The action continued three hours and a half, the Corsair fighting with great obstinacy and even desperation, when she struck, having lost fifty killed and wounded, while the Enterprise had not a man injured. In 1803, Commodore Preble assumed the command of the Mediterranean squadron, and after humbling the Emperor of Morocco, who had begun a covert war upon our commerce, concentrated most of his force before Tripoli. The frigate Philadelphia, Captain Bainbridge, by an unforeseen and inevitable accident, had already been captured by the Tripolitans.

This misfortune, which threw a number of accomplished officers and a valiant crew into oppressive bondage, and which shed a gloom over the whole nation, as it seemed at once to

increase the difficulties of a peace an hundred fold, was soon relieved by one of the most daring and chivalrous exploits, that is found on our naval annals. Lieutenant Stephen Decatur, then one of Commodore Preble's subalterns, proposed a plan for recapturing or destroying the Philadelphia. The American squadron was at that time lying at Syracuse. Agreeably to the plan proposed, Lieutenant Decatur, in the ketch Intrepid, four guns and seventyfive men, proceeded, under the escort of the Syren, Captain Stewart, to the harbor of Tripoli. The Philadelphia lay within half gun shot of the Bashaw's castle, and several cruisers and gun-boats surrounded her with jealous vigilance. The Intrepid entered the harbor alone, about eight o'clock in the evening, and succeeded in getting near the Philadelphia, between ten and eleven o'clock, without having awakened suspicion of her hostile designs. This vessel had been captured from the Tripolitans, and, assuming on this occasion her former national appearance, was permitted to warp alongside, under the alleged pretence, that she had lost all her anchors. The moment the vessel came in contact, Decatur and his followers leaped on board, and soon overwhelmed a crew, which was paralysed with consternation. Twenty of the Tripolitans were killed. All the surrounding batteries being opened upon the Philadelphia, she was immediately set on fire, and not abandoned until thoroughly wrapped in flames; when, a favoring breeze springing up, the Intrepid extricated herself from her prey, and sailed triumphantly out of the harbor amid the light of the conflagration. Not the slightest loss occurred on the side of the Americans, to shade the splendor of the enterprise. We find the cherished names of Lawrence and Morris among this gallant band, the latter of whom, then a midshipman, is said to have been the first to follow his impatient leader into the Philadelphia.

In July of this year, 1804, Commodore Preble brought together all his forces before Tripoli, determined to try the effect of a bombardment. The enemy having sent some of his gunboats and galleys without the reef, at the mouth of the harbor, two divisions of American gunboats were formed for the purpose of attacking them, while the large vessels assailed the batteries and town. On the 3d of August, this plan was put in execution. The squadron approached within gun

shot of the town, and opened a tremendous fire of shot and shells, which was as promptly returned by the Tripolitan batteries and shipping. At the same time the two divisions of gunboats, the first under the command of Captain Somers, the second under Captain Stephen Decatur, who had been promoted as a reward for his late achievement, advanced against those of the enemy. The squadron was about two hours under the enemy's batteries, generally within pistol shot; ranging by them in deliberate succession, alternately silencing their fires, and launching its thunders into the very palace of the Bashaw; while a more animated battle was raging in another quarter. Simultaneously with the bombardment, our gunboats had closed in desperate conflict with the enemy. Captain Decatur, bearing down upon one of superior force, soon carried her by boarding, when, taking his prize in tow, he grappled with another, and, in like manner, transferred the fight to the enemy's deck. In the fierce encounter which followed this second attack, Captain Decatur, having broken his sword, closed with the Turkish commander, and, both falling in the struggle, gave him a mortal wound with a pistol shot, just as the Turk was raising his dirk to plunge it into his breast. Lieutenant Trippe, of Captain Decatur's squadron, had boarded a third large gunboat, with only one midshipman and nine men, when his boat fell off, and left him to wage the unequal fight of eleven against thirtysix, which was the number of the enemy. Courage and resolution, however, converted this devoted little band into a formidable host, which, after a sanguinary contest, obliged the numerous foe to yield, with the loss of fourteen killed and seven wounded. Lieutenant Trippe received eleven sabre wounds, and had three of his party wounded, but none killed.

Our limits forbid us to follow up the animated details of the several bombardments and attacks, which succeeded each other at intervals throughout the month. Day after day death and devastation were poured into Tripoli with unsparing perseverance, each attack exhibiting instances of valor and devotedness, which will give lustre to history. The eyes of Europe were drawn to the spot, where a young nation, scarcely emerged into notice, was signally chastising the despotic and lawless Infidel, to whom some of her most powerful governments were then paying tribute.

On the 4th of September, Commodore Preble, in order to try new experiments of annoyance, determined to send a fireship into the enemy's harbor. The Intrepid was fitted out for this service, being filled with powder, shells, and other combustible materials. Captain Somers, who had often been the emulous rival of Decatur in the career of glory, was appointed to conduct her in, having for his associates in the hazardous enterprise, Lieutenants Wadsworth and Israel, all volunteers. The Argus, Vixen, and Nautilus were to convoy the Intrepid as far as the mouth of the harbor. Captain Somers and Lieutenant Wadsworth made choice of two of the fleetest boats in the squadron, manned with picked crews, to bring them out. At eight o'clock in the evening, she stood into the harbor with a moderate breeze. Several shot were fired at her from the batteries. She had nearly gained her place of destination, when she exploded, without having made any of the signals previously concerted, to show that the crew was safe. Night hung over the dreadful catastrophe, and left the whole squadron a prey to the most painful anxiety. The convoy hovered about the harbor until sunrise, when no remains could be discovered either of the Intrepid or her boats. Doubt was turned into certainty, that she had prematurely blown up, as one of the enemy's gunboats was observed to be missing, and several others much shattered and damaged. Commodore Preble, in his account, says, that he was led to believe, 'that those boats were detached from the enemy's flotilla to intercept the ketch, and without suspecting her to be a fireship, the missing boats had suddenly boarded her, when the gallant Somers and the heroes of his party, observing the other three boats surrounding them, and no prospect of escape, determined at once to prefer death, and the destruction of the enemy, to captivity and torturing slavery, put a match to the train leading directly to the magazine, which at once blew the whole into the air, and terminated their existence;' and he adds, that his 'conjectures respecting this affair are founded on a resolution, which Captain Somers and Lieutenants Wadsworth and Israel had formed, neither to be taken by the enemy, nor

suffer him to get possession of the powder on board the Intrepid.'*

Soon after these events, Commodore Preble gave up the command in the Mediterranean to Commodore Barron, and returned to the United States. His eminent services were enthusiastically acknowledged by his admiring fellow citizens, as well as those of his associates in arms, 'whose names,' in the expressive language of the resolve of Congress on the occasion, 'ought to live in the recollection and affection of a grateful country, and whose conduct ought to be regarded as an example to future generations.'

The present volume of Mr Goldsborough follows the growth and history of our navy, down to the peace with Tripoli, in June, 1805, where his narrative ends. The residue of the volume is devoted to several miscellaneous topics, which are of particular interest to the navy, and to those who seek instruction on the subject. We should perhaps have been better pleased, had the narrative been continued, to the exclusion of these materials, which might have found a more appropriate place in works of a less popular character. They are, however, important to nautical men, and it may be well to compress such information within a small compass, for more easy reference. From Mr Goldsborough's preface, it would appear, that he had adopted his method of arranging events, from a belief that it was an improved one. It may be so, for those who are desirous of only viewing detached events, without any of their concomitants; but we suspect, that readers in general will be confused and dissatisfied with his frequently suspended and returning narrative. There is a regularity and connexion in the sequence of events, which can hardly be violated with any prospect of advantage; and we apprehend that whenever biography is departed from, it is best to adhere to a strict chronological order.

Mr Goldsborough has still a bright era before him; ample materials for many an interesting chapter, without drawing too

* Naval Chronicle, p. 237.—We are the more inclined to coincide with Commodore Preble in his conjectures respecting this catastrophe, from reading the note which Mr Goldsborough subjoins to this detail. It is too long for us to insert; and we know not that we are desirous of increasing its publicity, exhibiting, as it does, such an appearance of bloodthirstiness on one side, and such a reckless spirit of self destruction on the other.

liberally from documents or the statute book. Every American will be eager to see a detailed and complete account of the actions of our navy, during the late war. It will exhibit a series of brilliant achievements, such as no other part of our national history presents, and we hope the author will persevere, and be successful in setting these forth under their true aspect to the public eye.

ART. II.—*Lectures on the Philosophy of the Human Mind* By the late THOMAS BROWN, M. D. Professor of Moral Philosophy in the University of Edinburgh. 4 vols. 8vo. Edinburgh, 1820. First American Edition, Andover, 1820, 3 vols. 8vo. Second American Edition, Philadelphia and Charleston, S. C. 1824, 3 vols. 8vo.

DR BROWN's posthumous work, the title of which we have prefixed to the present article, consists of one hundred Lectures. We have already given to our readers the substance of fiftyone, in our review of a Sketch,* drawn up by the lecturer himself, for the use of those who attended his class. As this is the last time that we shall formally present him to the public, we shall subjoin to our concluding rapid analysis of his philosophical works, such notices as we have been able to obtain respecting his life and character, together with a few summary criticisms on his genius and writings.

It will be remembered, that he first arranged all the mental phenomena into two general divisions, viz. External Affections of the mind, and its Internal Affections. The former comprehended our sensations, including our muscular feelings; the latter involved our intellectual states of mind, together with our emotions. We exhausted the analysis of the first division, and proceeded as far as through the intellectual states in the second. The emotions remain now to be considered, before completing the author's system of the Physiology of the Mind.

He declines venturing on a definition of Emotions, affirming that the attempt would be as truly impossible, as to define

* North American Review, No. XLIV.

sweetness, or bitterness, a sound, or a smell, in any other way, than by a statement of the circumstances in which they arise. Perhaps so; yet, though one could not define a taste or a sound, it would be strange to philosophise upon either of them, without any reference whatever to the palate or the ear, which are their appropriated organs. Our author is liable to the charge of this delinquency, in omitting to notice what may be called the topical peculiarity of the Emotions. It must be familiar to the experience of every individual, that the seat of this class of feelings is the region of the *præcordia*. The author had already allowed the specific connexion between our intellectual states and the nerves and brain, which renders his omission on this point the more observable. He exposes himself to evident embarrassment and inconsistency throughout the work, by representing the mind as the *immediate* seat, both of the Intellectual States and Emotions. We believe that the alone true, intelligent, self active, immaterial, immortal principle lies, if we may so express ourselves *behind* the regions of the two classes of feelings abovementioned, and communicates in some inexplicable way with both of them. There is certainly something within us, which *compares* one intellectual state with another, one emotion with another, and intellectual states with emotions. This is within the experience of all. But respecting the simple or compound nature of this interior principle, we hold all speculation to be useless.

To return to our work. The author's general principle of arranging the Emotions is their *relation to time*. They are

Immediate, or involving no notion of time whatever;

Retrospective, or relating to the past;

Prospective, or relating to the future.

Admiration, remorse, hope, may serve as particular instances to illustrate this distinction. We admire what is before us; we feel remorse for some past crime; we hope some future good.

Were they considered only as elementary feelings, without any regard to time, the emotions, he says, might be reduced to the following descriptions; joy, grief, desire, astonishment, respect, contempt, and the two opposite species of vivid feelings, which distinguish to us the feelings, that are denominated virtuous or vicious. Such a consideration of them,

however, would be much more abstract, uninteresting, and inapplicable to human life and conduct, than the method which he has adopted.

The immediate emotions are subdivided into those, which do *not* involve any feeling that can be termed moral, and those which *do* involve some moral affection.

The following are our immediate emotions of the former kind. Cheerfulness, melancholy, wonder, mental weariness, the feeling of beauty, disgust, or feelings of sublimity and ludicrousness. To the latter subdivision may be referred the vivid feelings, that constitute to our heart what we distinguish by the names of vice and virtue, considered apart from the mere intellectual *judgments* we form respecting actions; our emotions of love and hate; of sympathy with the happy and with the miserable; of pride and humility.

The retrospective emotions are subdivided as they relate to others and to ourselves. Those, which relate to others, are anger and gratitude. Those, which relate to ourselves, are, simple regret and satisfaction, without the mixture of any moral feeling; and finally, remorse and self approbation.

The prospective emotions comprehend all our desires and all our fears. Of the former, the most important may be considered as enumerated in the following series. 'First, our desire of continued existence, without any immediate regard to the pleasure which it may yield; secondly, our desire of pleasure, considered directly as mere pleasure; thirdly, our desire of action; fourthly, our desire of society; fifthly, our desire of power, direct, as in ambition, or indirect, as in avarice; seventhly, our desire of the affection or esteem of those around us; eighthly, our desire of glory; ninthly, our desire of the happiness of others; and, tenthly, our desire of the unhappiness of those whom we hate.' The following paragraph on this subject, is a happy specimen of the author's analytical skill, and of the gracefulness and facility, with which he makes the common nomenclature of our mental feelings fall into his own philosophical arrangements.

'I must observe, however, in the first place, that each of these desires may exist in different forms, according to the degree of probability of the attainment of its object. When there is little of any probability, it constitutes what is termed a mere *wish*; when

the probability is stronger, it becomes what is called *hope;* with still greater probability, *expectation;* and, with a probability that approaches certainty, *confidence.* This variation of the form of the desire, according to the degrees of probability, is, of course, not confined to any particular desire, but may run through all the desires, which I have enumerated, and every other desire of which the mind is, or may be supposed to be capable.' *Lecture* 55.

In the spirit of the foregoing paragraph, the reason why no peculiar place is set apart for the *passions* in this classification, is, that our passions are truly no separate class, but merely a name for our desires, when *very vivid* or *very permanent.*

Dr Brown, also, goes into no separate classification of our fears, since it is evident that they are excited by precisely the same objects, which excite our desires. We *desire* to obtain any object, we *fear* that we shall not obtain it. We *dread* any pain or calamity; we wish, we hope, that we may escape it. Thus, our fears and our desires are corelative feelings, and whatever is said of the one, may be referred, by a kind of contrasted application, to the other.

We have thus given only a rough synopsis of the author's arrangement of the emotions. He devotes to them twentyone of the hundred lectures. This portion of the book will probably be found the most popular and interesting of the whole. It is generally rich and delightful writing, with the exception of some commonplace prosing, and a little occasional declamation. The author separately considers each article in the foregoing ample catalogue, metaphysically, morally, and theologically. His speculations on this department of his science, would well bear dividing into a number of profound and elegant essays. They are adorned with a variety of apposite and beautiful illustrations, from rather a limited but very select range of reading. Perhaps the most felicitous and striking traits, in this busy picture of the emotions, are the luminous explanations of the *final causes*, for which each of them was introduced into our mental constitutions. The wisdom and goodness of the Creator are here very impressively vindicated. Even anger, hatred, and other passions, most generally liable to abuse, are shown to bear their necessary part in that harmonious arrangement, which provides for the happiness of the species. But this consideration leads the author to establish safe lines of dis-

tinction, and to deduce from an enlightened view of our whole nature a body of excellent moral rules. To attempt even a slight sketch of the acute and profound disquisitions, the equisite analysis, the fine sensibility, the sterling good sense, the eloquent and earnest recommendations of morality, the examination and confutation of many opinions and theories of Alison, Hutcheson, Smith, Stewart, and other philosophers, which these twentyone lectures exhibit, would be a task, agreeable indeed to ourselves, and profitable to our readers, but far too disproportioned to other purposes, for which this Journal is designed.

Among the very few topics here treated, on which we have found reason to dissent from the ingenious author, is that of Avarice. It will be seen, in his enumeration of the Desires above represented, that he regards avarice as only a modification of our desire of power. We are persuaded, that this is an inaccurate reference of the real and original principle of the emotion in question. Avarice is often exercised without regard to the attainment of any kind of power whatever. It loves money and property purely *as* such, and not for the gratifications they can purchase. Dr Brown was aware of this phenomenon, and felt its inconsistency with the above classification of the desire. He labors at great length, and quite unsuccessfully, to account for this obvious anomoly in his system. He falls into a maze of his own creating, by first ranking avarice as an indirect desire of power, and then finding that it is not always a desire of power. He wonders, through a whole lecture, why the miser should be so eager to deny himself all kinds of gratifications for the sake of that money, whose only real value is, that it can purchase, and is the representative of those very renounced gratifications! Would not our author's perplexity and inconsistency have been very easily prevented, by only adding an *eleventh* class of desires to the ten already laid down? Does not avarice flow from a distinct, original, and independent emotion, namely, a love of hoarding, or, as our author would have called it, *the desire of acquisition?* The child hoards its shells and pebbles, the virtuoso his curiosities, the collector his books, the scholar his intellectual stores, and the miser his gold, almost entirely for the gratification of this simple and separate propensity, with comparatively a faint and fortuitous influence of other

motives. And to pursue a favorite train of the author's speculation, before alluded to, it is well for us that our Creator has implanted in our minds this particular desire. In *His* prospective benevolence, indeed, it was intended to be a *direct* means of acquiring power, as instrumental to our happiness. But man often fulfils this intention blindly. An inattention to the distinction here pointed out misled the author, we doubt not, into his defective classification. Were it not for the strong operation of the instinctive propensity we are suggesting, man must often have perished through want, the consequence of carelessness and improvidence. We were not left to calculate the benefits resulting from frugality, nor to wait until we should smart from privations, occasioned by lavishness and inexperience. A desire of mere acquisition, therefore, seems to be a compensation as beautiful as it is indispensible, in this fluctuating and precarious world. A too great indulgence of the feeling, of course, becomes, like an abuse of all other desires, criminal and mischievous.

It was probably in consequence of not adverting to this indubitable law of our mental constitutions, that Dr Brown, in endeavoring to account for the unreasonable excesses of avarice, which are sometimes witnessed, was led to lay a very disproportionate stress on the *regret* that arises from early prodigality. Indeed, he would seem at times to regard this regret, as the original foundation and main ingredient of the passion. We are constrained to question the correctness of this theory. Who has not known instances of a decided bent for avarice, which could be traced up to the earliest period after infancy, when it was impossible that the little miser could have felt any inconvenience, or regret, arising from prodigality or extravagance? Fasten down the cover of a box, perforate it for a small aperture, persuade your child to convey to it every coin that is given him, tell him to search for money on the parade ground early in the morning after each muster day, instruct him to bargain away his cake and his toys for cash, deliver to him, perpetually, short solemn lectures and cautions on the propriety of saving and hoarding his money, and such discipline, acting on the native desire for which we have been contending, will soon convert him into a sordid wretch, long before he shall have experienced

one feeling of pain at the destruction of his cake, which in fact he never devours. Regret for squandered means, we allow, is often one, among the many other circumstances, which Dr Brown has so happily enumerated, as enhancing and aggravating the force of the avaricious principle, and may sometimes awaken and develope it, when it has slept for a long time. But we cannot believe it to be the mainspring of the passion itself, nor sufficient, especially, to remove the embarrassment, which the author has encountered in the exposition of his theory. Even should the separate desire, on which we insist, be denied, still we would account for most of the workings of avarice on far different principles from this regret. But we forbear to trust ourselves now with the discussion.

Dr Brown has with great felicity assigned several reasons, for the paradox in common life, of a person parting tranquilly with large sums, while the loss of small ones is sufficient to destroy his happiness for a day. He might have accounted for this latter case, in some instances, not so much from merely avaricious feelings, as from the shame of being overreached in a bargaining transaction. To many persons, it is an intolerable thought, that the market man, with whom they are trading, will wink, in half penny triumph, at his brother market man, as soon as their backs are turned. Many, also, contend long for a trifle, from a pure sense of justice.

We come now to the consideration of our author's Ethical System. The Science of Ethics, he observes, has relation to our affections of mind, not simply as phenomena, but as *virtuous* or *vicious*, *right* or *wrong*.

What then is the virtue, which it is the practical object of this science to recommend? Why do we consider certain actions, says Dr Brown, and we could add, certain feelings, as morally right, and others, as morally wrong? The only test, according to him, is a simple emotion of *approbation*, or of *disapprobation*. We are so constituted, that we cannot help approving certain classes of human actions, and disapproving certain other classes. God himself, who gave us a relish for wholesome food, and a distaste for what is injurious, has, for analogous, but far higher purposes, created us subject to such immediate moral feelings.

These emotions, our author contends, are uniform in all men, but occasionally modified by three circumstances. First, the influence of *passion* obliterates for a time, in many minds, the emotions that ought to arise on the contemplation of moral or immoral actions. Secondly, individuals, and even whole nations, have sometimes partial and imperfect views of the true tendencies of certain actions, in which there is *a mixture of good and evil*, and this is the cause why morality appears to fluctuate in different times and places. Thirdly, *association*, in various ways, exerts considerable influence in modifying and perverting the emotions, which would otherwise be naturally raised by particular kinds of actions. The author insists, that these three limitations still leave unimpaired the great fundamental distinctions of morality itself, the *moral approbation* of the producer of unmixed good as good, and the *moral disapprobation* of him who produces unmixed evil for the sake of evil.

He refutes the sophistry and skepticism, which pretend that, in consequence of the foregoing limitations, the science of morality is unsettled, and virtue itself but a precarious and fluctuating name. He maintains, that where one instance can be found of disagreement among men, in approving certain actions and disapproving certain others, there are millions and millions of instances, all over the world, of a perfect uniformity of moral sentiment.

The author next proceeds to examine other theories of morality, which have been broached by different writers. Hobbes, who makes virtue to depend on political enactment; Mandeville, who reduces it to a corrupt love of praise; Clarke and Wollaston, who identify it with the fitness and the truth of things; Hume, who measures it solely by the standard of general utility; the ancient and modern disciples of Aristippus, who resolve it into the pursuit of selfish gratification; Paley, who defines it to be 'the doing good to mankind in obedience to the will of God, and for the sake of everlasting happiness;' and Dr Smith, who allows it no other standard, than our sympathy with the feelings of others, are successively subjected to elaborate confutations. In these strictures we see displayed an instinctive acuteness, in seizing the points at issue, and an unrivalled power of argument. The author, of course, throughout the whole speculation, says many things to justify

and illustrate his own system of morality, and mode of treating it. We have a few remarks to suggest.

The great defect of Dr Brown's ethical theory is, that he has confined his attention entirely to *actions*, which are only the occasional signs and representatives of virtue and vice in moral beings. We admire his discovery, as it may well be called, and on which another superior mind of our own country,* by a remarkable coincidence, has lighted, that certain feelings of vivid approval and disapproval are the true and original tests of right and wrong. As the physical qualities of substances can only be properly known, distinguished, and described, by their effects on our senses, and not by vain attempts to ascertain their abstract nature, so the moral qualities of thinking and responsible agents are to be designated by their *effects* on other minds. This, indeed, is an ingenious, a noble principle; it is a bright eyed offspring of the Baconian philosophy; it is the pioneer to satisfactory conclusions on the subject before us; it introduces at once a flood of light into this hitherto perplexed and obscure discussion. But having seized on the mighty instrument itself, Dr Brown seems to have failed in applying it with his usual comprehensive energy. In inquiring what objects, when contemplated by us, excite the approving, or disapproving emotion, he has strangely omitted the consideration of those mental feelings, or rather *states* of mind, which, in the first place, give to actions their entire moral character, and, in the second place, constitute, by themselves, more than nine tenths of the vice and virtue of the world, without even being brought into action. Thus, simple indifference to the welfare of others we disapprove as vice. A mere intention, a wish, is often virtuous or vicious. *Refraining* from action is frequently virtue or vice. Mere purity of mind we regard with the approving glow, which is paid to active virtue. Regret, shame, anger, joy, and other emotions, are regarded as right or wrong, according to the occasions on which they arise. It is not the blush that we admire and approve; but the modesty, of which that meteor like tinge is the enchanting signal. It is not the mere phantasmagorial sight of a man, exposing his life to save

* The late Professor Frisbie. See his Miscellaneous Writings, edited by Andrews Norton, p. 144, et seqq

a drowning enemy, that excites within us the vivid feeling of approbation; it is the sublime state of his soul at the moment, and which the action itself is only instrumental in making known.

Now, in consequence of not adverting to these essential considerations, Dr Brown has left this part of his ethical discussions in no little imperfection and perplexity. He all along states it as an ultimate law of our constitution, that certain *actions* excite within us the approving or the disapproving feeling, by which we distinguish them as virtuous or vicious. He speaks as if the moral nature of every action was immediately and intuitively known, as right or wrong, in the same manner as a color is immediately recognised as green or yellow. He takes no account of that long and varied thread of experience, observation, acquisition, reflection, deduction, culture, admonition, discipline, and example, by which moral feelings and ideas are developed in the mind of the child, and by which alone it comes at length to form its judgments of the character of moral actions. This, certainly, is a loose handling of the question, a very imperfect analysis of the matter under discussion.

If, therefore, the foregoing reflections are just, the true and amended theory of Dr Brown, the really ultimate law of our moral institutions, for which he sought, would be this.

Certain *emotions*, *desires*, *intentions*, or *states of mind*, in other men, which are made known *sometimes* by actions, sometimes by other sensible signs, and sometimes by verbal information, more or less direct, excite within us the vivid feeling of approbation, or disapprobation, corresponding to which, we are accustomed to denominate those states of mind, and the actions they produce, virtuous or vicious, right or wrong, moral or immoral. We are the more confirmed in this amendment of our author's philosophical views, from its coinciding with the principles of morality inculcated in the Sermon on the Mount.

It is from this point, we humbly think, that all ethical science must properly begin. Its adoption, we are persuaded, would have supplied a palpable defect in the work before us, and saved some readers many an hour of wistful dissatisfaction and perplexity. It is no more correct to confine the question to *actions*, than to the *looks* of the countenance. A tolerably

plausible system of morals might be built on the latter, as well as on the former species of exterior manifestations. Would that theory of dialling be complete or scientific, which confined the inquiry to the shape of the gnomon, and the motions of the shadow alone, while the primary consideration of the sun's movements and rays remained untouched? Our author, in the outset of the discussion, seems to have had a glimpse of the principle we have been urging, but certainly lost sight of it afterwards. He defines the Science of Ethics, as having relation to our *affections of mind*, as virtuous or vicious, right or wrong. Then why not proceed, and erect the science upon this broad and true foundation? Why abandon it almost immediately, and say, 'One inquiry alone is necessary—*what actions excite in us*, when contemplated, *a certain vivid feeling?*' &c. [Edin. Ed. Vol. 4, p. 148. And. Ed. Vol. 3, p. 267.] We trust we have sufficiently shown the very narrow and incomplete relation, which this particular inquiry bears to ethical science as a whole.

In inquiring what constitutes the sense of *moral obligation*, Dr Brown appears to us to be aiming at a theory of too much simplicity. 'To feel,' says he, 'the character of *approvableness*, in an action, which we have not yet performed, and are only meditating on it as *future*, is to feel the *moral obligation*, or moral inducement to perform it.' The late Professor Frisbie seems to have been dissatisfied with this explanation, but in his criticism upon it, has not, we think, exactly approached the difficulty. 'Are there not many actions,' he asks, 'which seem to us to have very little virtue or merit, yet by which the feeling of obligation is very strongly excited; nay, is not the obligation often inversely as the merit, as for example, in regard to the payment of honest debts?'* To these interrogatories we reply, that the obligation, which Professor Frisbie instances, is not properly or entirely a moral obligation Without being apparently conscious of the facts, he has shifted the very point in question. In regard to the payment of honest debts, there is something more than the sense of moral obligation; there is the sense of *legal* obligation; there is also the dread of offending society, creating enemies, and thus injuring one's general

* Miscellaneous Writings, p. 157.

interests. Let a law be passed exonerating the debtor; let public opinion too coincide with the law. There will then be *merit* in paying the debt, and a merit exactly in proportion to the moral obligation.

In what respects then may it be said, that Dr Brown's theory is deficient? According to our opinion, he has, undesignedly, however inconsistently with himself, suggested the precise and true theory in a subsequent part of his speculations. The following sentence occurs in p. 395, Vol. 4, Edin. Ed. towards the close of Lect. 91. 'When I say, that it is my duty to perform a certain action, I mean nothing more than that if I do not perform it, I shall regard myself, and others will regard me, with moral *disapprobation*.* Here, we are convinced, he has fallen upon the right key to the nature of moral obligation. It is not enough for us simply to approve an action, in order to feel the whole force of such obligation; the very word obligation implies some conditional *compulsion*, *constraint*, apprehended *penalty* in case of our neglecting the duty. Now, what is the penalty implied in the idea of moral obligation? Surely, as our author suggests above, the *pain*, which all moral beings feel in disapproving themselves, or being disapproved by others. It is this which we dread; it is this which *constrains* us. The moment we allow a fear of any other nature than this to operate upon us, such as a dread of corporal punishment, or bodily pain of any other kind, or an injury to our general interests, the *moral* changes into the character of *physical* obligation.

Dr Brown's distribution of the Duties is the old and obvious one of duties to others, to ourselves, and to God. His treatment of this subject completes the work, and, on the whole, deserves a similar tribute of praise, and similarly modified, with that bestowed on his treatment of the more general subject of the Emotions. Curious speculations are pursued, current errors are refuted, novel and valuable ideas are advanced, magnificent commonplaces are unfurled and waved about, and over the whole is diffused a vivid glow of moral reli-

* Just to show the author's inconsistency with himself, above alluded to, turn over one leaf of his book, and there will be seen the following sentence. 'It is, as I have said, on the *one simple feeling of moral approvableness*, that every duty, and therefore, every right is founded.' But in the sentence in the text, has he not said that the sense of duty arises from a fear of *disapprobation*?

gious feeling. A few lectures, perhaps, in this portion, require a little bracing up of the attention to read them through; one needs a perpetual recollection, that one of our principal duties is to read Dr Brown's inculcation of the duties, and frequent repetitions are called for of the internal resolution, *I will go on.* In all probability, these few lectures were written under the influence of the same feeling. Yet somewhat tedious as they are, they will repay a studious perusal. Nor are many of them fairly liable to the foregoing stricture. On the contrary, several will be found to exhibit the author's peculiar vivacity, originality, and other excellencies. Instance the beautiful and ingenious lecture on friendship and gratitude, and one on the goodness of the Deity.

In treating of our duties to God, the author takes occasion to demonstrate the existence and attributes of the Almighty Being. He rightly discards the argument *a priori*, which forever assumes the very point to be proved. He relies altogether on the short, simple, but irresistible argument drawn from the appearances of benevolent design, so profusely scattered over every part of the universe. We are dissatisfied with his attempted demonstration of the unity of God, and never yet have felt the force of the same point of reasoning when urged by other writers. It is founded on the *unity and simplicity of design*, everywhere exhibited in the works of the Creator. Two objections to this argument we cannot conquer. The first is, that it would be not very difficult to make out a case of irreconcilable contrariety and multiplicity of design, apparent in the works of nature. For instance, in one point of view, what tender care seems to be taken of the happiness of all living creatures, while, in many respects, they seem to be left, with utter indifference, to their miserable fate. The second is, that even if a perfect unity of design, without the slightest apparent exception, could be pointed out as prevailing in the universe, it would not absolutely, or satisfactorily prove a unity in the power which produced it. A million of deities might conspire in the most complete uniformity of operations. A stranger to this earth would find a certain uniformity of design, nay, thousands of different operations and results harmoniously conspiring to a single end, amidst all the works of men. But it is unnecessary to say, how illogical would be his conclusion, that one being was the author of the whole. He

might, perhaps, properly infer, that one *genus* of beings had been at work in the construction of similar edifices, canals, cities, and other products of art. The mythology of the Greeks, which peopled every department of creation with presiding deities, was built on such an inference. And this, we are persuaded, is as far as human reason can legitimately advance, in *settling the point* of the simplicity or complexity of the divine nature. It is a matter as far removed from positive, abstract demonstration, as the Deity himself is removed from man. It is true, the idea of the unity of God is now embraced in the world with more or less distinctness and purity; there is nothing in nature to contradict or refute it, since even an actual contrariety of design might be consistent with it; nay, it is almost a self evident truth; philosophy can defend it by most plausible arguments; but philosophy must not, cannot assume the triumph of originally establishing and making it known. Every attempt to that effect which we witness, concurring with our inability to trace it so clearly to any other quarter, only drives us back with increased conviction to the leading representation of the Hebrew Scriptures, that the idea in question was originally and directly communicated from heaven, in some way or other, to men of Asiatic origin.

When Dr Brown comes to consider our duties to ourselves, he takes up the question of the Immortality of the Soul. He advances in the affirmative some arguments that are absolutely gigantic, and others, that appear feeble and untenable. We will give an instance of each kind. Those, who hastily infer the destruction of the mind from the destruction of the body, will find it difficult to evade the force of the following reasoning, which has all the weight and acuteness characteristic of the author.

'When the body seems to us to perish, we know that it does not truly perish,—that everything which existed in the decaying frame, continues to exist entire, as it existed before; and that the only change which takes place, is a change of *apposition* or *proximity*. From the first moment at which the earth arose, there is not the slightest reason to think that a single atom has perished. All that *was, is;* and if nothing has perished in the material universe;—if, even in that bodily dissolution, which alone gave occasion to the belief of our mortality as sentient beings, there is not the loss of the most inconsiderable particle of the dissolving frame, the argument

of analogy, far from leading us to suppose the destruction of that spiritual being, which animated the frame, would lead us to conclude that *it*, too, exists, as it before existed; and that it has only changed its relation to the particles of our material organs, as these particles still subsisting have changed the relations, which they mutually bore. As the dust has only returned to the earth from which it came, it is surely a reasonable inference from analogy to suppose, that the spirit may have returned to the God who gave it.' *Lecture* 96.

Nothing was ever better said. But Dr Brown was well aware of an argument, which the obstinate materialist still has in store, namely, that all the mental operations, and consequently, what the immaterialist gratuitously calls the mind itself, may be nothing more than phenomena, resulting from the union and organization of material particles in a certain manner. Now to this our author offers the following feeble argument.

'If any one were to say, the Sun has no thought, Mercury, Venus, the Earth, Mars, Jupiter, Saturn, and all their secondaries, have no thought; but the Solar System has thought,—we should then scarcely hesitate a moment, in rejecting such a doctrine; because, we should feel instantly that there could be no charm in the two words, solar system, which are of our own invention, to confer on the separate masses of the heavenly bodies, what under a different form of mere verbal expression, they had been declared previously not to possess. What the *sun and planets* have not, the *solar system*, which is nothing more than that sun and planets, has not; or, if so much power be ascribed to the mere invention of a term, as to suppose that we can confer by it new qualities on things, there is a realism in philosophy, far more monstrous than any which prevailed in the Logic of the Schools.

'If, then, the *solar system* cannot have properties, which the sun and planets have not, and if this be equally true, at whatever distance, near or remote, they may exist in space, it is surely equally evident, that an organ, which is only a name for a number of separate corpuscles, as the solar system is only a number of larger masses of corpuscles,—cannot have any properties, which are not possessed by the corpuscles themselves, at the very moment at which the organ as a whole, is said to possess them,—nor any affections as a whole, additional to the affections of the separate parts. An organ is nothing; the corpuscles, to which we give that single name, are all,—and if a sensation be an organic state, it is a state of many corpuscles, which have no more unity than the greater number of particles in the multitudes of brains, which form the sensations of all mankind.' *Lecture* 98.

This reasoning will never do. To show its absurdity, let us follow it up for a moment in its own style. 'If any one were to say, the Sun has no' mutual attraction, 'Mercury, Venus, the Earth, Mars, Jupiter, Saturn, and all their secondaries,' when separate and alone, have no mutual attraction, 'but the solar system has' mutual attraction, 'we should then scarcely hesitate a moment in rejecting such a doctrine.' Thus, by our author's course of argument, we could disprove one of the most obvious facts of natural philosophy. So, again, what an acid has not, when alone, and an alkali, when alone, has not, the combination of acids and alkalies never can have; and, therefore, such a phenomenon as *effervescence* between acids and alkalies, according to our author, can never take place. The truth is, Dr Brown is here guilty of begging the question. The very argument of the materialist is, that *although* the particles of matter, when separate, are not able to think, yet, when brought together in a certain way, which the Deity may appoint, the result of their *influence on each other* may be the phenomenon, which we express by the word thought. This our author denies, maintaining, that what one particle cannot perform in a separate state, a multitude of particles cannot perform in any sort of combination. It is plain, however, that this is no answer, but only a flat denial of the materialist's argument, and, moreover, involves some most careless general positions, which are immediately disproved by an appeal to ordinary experience.

Before quitting this topic, we would just ask the author, why so strenuous in maintaining the immateriality of the soul, when, in his noble argument, quoted above, he assumes the imperishableness of matter?

On the whole, we cannot claim for him the merit of having placed the immortality of the soul on new and stronger vantage ground, than it occupied before. His reasonings on the subject appear to us to be full of assumptions. As might be expected, the discussion leads him too far from the track of pure philosophy into the entanglements of metaphysics. In defending the unity and indivisibility of the thinking principle, qualities which he regards as essential to its immortality, but which we do not, he is betrayed into arguments quite inconsistent with other statements in different parts of his work. For instance, he vigorously maintains that the mind can exist only in a single

state at once. But according to his whole philosophy elsewhere, and even according to the most common experience, that very mind is capable of existing in an intellectual state, and in an emotion, simultaneously; and it may be remembered, that in explaining the soul's personal identity, he allowed, that along with the *memory* of a sensation or an idea, we have an *intuitive belief*, that we are the same individuals, who had the sensation or idea before.* One would suppose, that in these cases there are two states, in which the mind exists at the same moment. But our author endeavors to surmount the inconsistency, by denominating them *one complex state*. Now, we confess ourselves quite unable to conceive, how a unique single principle can exist, in what the author calls a complex state, as how it can exist in two different states at once. If the latter be incompatible with its nature, why is not the former also? Truth is, the phrase, 'complex state,' or the still more impalpable and metaphysical phrase, which is sometimes a favorite one with the author, namely, 'a state of virtual comprehensiveness,' is but a wordy covering for a most unconquerable difficulty, and leaves the real nature of the mind in as much obscurity as ever. Amidst all his horror for rash hypothesis and gratuitous assumption, we are astonished at finding him everywhere asserting, as if it were an axiom of Euclid, that 'the mind is not composed of parts that coexist, but is simple and *indivisible*.' Now this is unwarrantable. According to the true spirit of the new philosophy, we have nothing to do with this question. Much can be said plausibly in favor of the compound nature of the mind, without furnishing any fair triumph to skepticism, or exciting any necessary alarm among modest philosophers.

Indeed, we have no hopes of gaining higher assurances of the soul's immortality, from any new speculations on its internal structure. Be it simple, or be it compound, we do not despair. We doubt whether all the philosophy in the world can either improve, or set aside, the lucid and truly Baconian argument of the Apostle to the Gentiles, founded on the analogy between the germination of a perishing seed, and the revivification of the human soul. The story left us by the Gallilean fishermen, which we are not ashamed to avow is far easier for us to believe than to doubt, needs no support from the visions

* North American Review, No. 44. p. 13.

either of a Plato or a Priestley; and while we look down into the vacant tomb, that once belonged to Joseph of Arimathea, we are little swayed, either one way or another, by the ingenuity and strength, or by the feebleness and inconclusiveness, exhibited in the reasonings even of Dr Brown.

Our abstract terminates here. As an abstract, it is exceedingly imperfect, and conveys a very faint idea of the work. We have rather dwelt upon those topics, which seemed to require critical remark, than attempted to give a systematic sketch of all the author's achievements. We shall now fulfil our promise to exact, from various quarters, a few contributions to the illustration of our author's character and writings. The following notice is from a volume of the Edinburgh Magazine, for the year 1820.

'Dr Brown's character was one of extreme, and I might almost say, of fastidious refinement. The habits of speculative philosophy and abstract thought, had not destroyed the vivacity of his imagination, or chilled the warmth of his heart. He was by nature an enthusiast, and the prominent features of his mind in early youth were sensibility and ardor. At school he was distinguished by extreme gaiety and sweetness of disposition, and his cotemporaries remembered how much he delighted and excelled in the recitation of dramatic poetry. Soon after he engaged in philosophical studies, he distinguished himself for acuteness of reasoning; and his answer to Darwin's Zoonomia demonstrated the discriminating powers of his mind. It is not for the writer of this letter to presume to analyse the subtlety, and profound originality, of his metaphysical inquiries. Among those who attended his lectures, some complained of a certain vagueness and refinement that bordered on obscurity, but when he entered on the moral part of his course, he excited the highest degree of enthusiasm for all that was elevated and noble in human nature. It was then he gave full scope to the lofty conceptions of his mind, and displayed an energy and devotion in the cause of moral truth that could not be surpassed, and can never be forgotten.

'Dr Brown's manners might be considered somewhat artificial, and yet no man had more simplicity and singleness of heart, if that term belongs to one uninfluenced in his opinions, tastes, inclinations, and habits, by the caprices of fashion, or the calculations of a worldly mind. He never sought the society of the fashionable, the rich, or the high born, on account of any of these adventitious circumstances. He carried the independent purity of his political principles into the morals of private life. His habits were abstemious, simple, and self-denied. His liberality to those, who needed

his pecuniary assistance, was as frank as it was unostentatious. But his benevolence was not of a kind to content itself with the cheap indulgence of almsgiving. Long after he had given up medical practice, he gave his time and attention to the sick friends, who required his advice ; and what Burke said of Howard, in a sense restricted to the particular objects of his attention, might be said of Dr Brown universally ; " He attended to the neglected, and remembered the forgotten." There are many persons, wholly unknown to the circles of fashionable life, who received constant proofs of his cheering and kind attention. One instance of this is so characteristic of his turn of mind, that I cannot omit mentioning it. Two Ayrshire peasants, who had made considerable progress in languages as well as in botanical and mathematical science, were recommended to his notice. After presenting them with gratis tickets for his lectures, he invited them to breakfast ; the conversation turned on botanical drawing. One of them proposed to show the Doctor some specimens of his performance in that art. " I was pleased," said he, on relating this circumstance, " to see the progress I had made in the confidence of these young men during the hour of breakfast. They first came to my low door, but when they returned with the drawings, they rang at the front door. I had inspired them with the feeling of equality."

' The political principles of this excellent man were those of genuine Whiggism, untainted with the asperitiy of party prejudice. His reprobation of tyranny and oppression, wherever it was exercised, will be remembered by those who have heard him express his satisfaction at the overthrow of Napoleon Bonaparte, whose despotism he execrated. He took a deep interest in the political events of his own country. The five restrictive bills, passed during the winter session of 1819, excited his warmest indignation ; and in a meeting held by the Senatus Academicus, on the occasion of condoling with and congratulating his present Majesty, he expressed his opinion of those measures very strongly. The most minute circumstances, favorable to civil and religious liberty, interested him to the last ; and as an affecting instance of the sincerity of his feelings, on subjects connected with the freedom of his country, I may mention, that during his last illness, he daily inquired into the state of the Middlesex poll, an event, deeply interesting on a moral as well as political principle, as being the grateful effort of a generous people to reward the son for the virtues of the father ; and when he was told two days before he died, that it had closed in favor of young Whitbread, though unable to speak, his countenance and manner expressed the liveliest satisfaction.

He had returned in the autumn of 1819 to Edinburgh, in remarkably good health, and engaged with much ardor in the composition of his class book. He had even sketched out great literary designs for his future execution, but that fatal disorder, which terminated in pulmonary consumption, seized him during the Christmas recess. He only lectured twice after the vacation. During the last lecture he delivered, he was greatly affected when he read some lines on the return of spring from Beattie's Hermit. He wished to persevere in his course. But his affectionate friend and physician, Dr Gregory, forbade it, and strongly recommended him to try the effects of a warmer climate. His reply was,—"No, I must die at home, you have no idea how miserably I am afflicted with the Maladie du pays." His decline was rapid and alarming. As long as he had strength to hold a pen, he continued to give unremitting labor to the writing of his class book. In February 1820, he received a short visit from his revered friend Mr Dugald Stewart, though at that time he scarcely admitted any one but his medical friend, and the members of his own family. On taking leave of Mr Stewart, he said gaily but emphatically, "I hope Moral Philosophy will live long in *you*."'

In addition to the above gratifying sketch, an American correspondent has obligingly furnished us with the following interesting particulars, which the numerous admirers of Dr Brown in this country will receive much pleasure in perusing.

'In compliance with your request, I send you the following very general statements. With Dr Brown I was personally acquainted, and occasionally spent an evening at his house. I experienced much of his hospitality during my stay in that country. Immediately upon my arrival at the city of Edinburgh, after the opening of the session of the University, I called upon Dr Brown, and procured a ticket of admission to his class. Interpreting the intent of your request in the sense in which I believe you designed me to do, I have been led to adopt the following simple plan. *The personal appearance* of Dr Brown seems first to draw my attention. His was in a very special degree that of an intense student. He was of ordinary stature; of a pale and wan physiognomy; careless and inattentive in his dress. The characteristic of his countenance was highly attractive, and none could meet him in the streets without noticing it in a particular manner. Profound thought was engraven on every feature. There appeared to be a great mind at work within, and absorbed in the most abstruse specu-

lations. The outward aspect of Dr Brown evinced to the observing mind, that his trains of thought were those of a higher order. Next, as to *the mode which he adopted in delivering his lectures.* In the class room he appeared in the most advantageous points of view. His manner was grave and dignified. He commanded profound silence, marked attention, and a high expression of regard. He read, or with more propriety I should say, he recited his lectures in an animated strain. He appeared himself to feel the importance of those intellectual views, which he had created and was delivering, and was solicitous that the value of them should be perceived and appreciated by those who heard them. He read the poetical quotations, occasionally introduced, in a distinct and impressive manner. I was accustomed to hail with delight the returning toll, which summoned us to lecture, and regarded it as a philosophical treat. Dr Brown did not permit his students to take notes during the time of lecturing, owing to a fact with which you are doubtless familiar, viz. that a few years preceding, some of the lectures of Mr Stewart were presented to the public in a garbled form, before the author himself had issued them. Dr Brown was desirous that his students should, at the close of the lecture, apply to him for the solution of those doubts of a metaphysical kind that might arise. With such he would freely converse.

'He was intensely *studious.* Although surrounded by such a host of social attractions as Edinburgh presents, he allowed not his studious habits to be violated. I heard him state, that he set apart two evenings during every week, either for the reception of his company, or for his own personal relaxation. The rest of his time he considered as sacred to study. The *manners* of Dr Brown were interesting and rather refined. He was full of conversation; very vivacious, and remarkable for the versatility of his information and diction. He could instantly enter upon any topic, however remote, and in his usual happy strain. In *private life* he was truly amiable. Two sisters lived with him, whom he supported. The most marked affection appeared to exist between them. He was devoted to the gratification of their slightest wishes. His feelings as a man were generous and noble. He possessed more than an ordinary share of sensibility, and would indulge, in the hour of conversation, in the most sympathetic strain, on any scene of distress, which he had either witnessed, or of which he had heard.'

We have delayed for six months the publication of the present article, in the hope of receiving from Edinburgh an essay on the life and genius of Dr Brown, by the Rev. Mr Welsh, announced as preparing for the press some time last year. But as yet, it has not been issued, and the distance of time is already too great, between our former and present articles on the lectures, to allow of any farther delay. A glimpse into Dr Brown's lecture room, as most of our readers will remember, is furnished in the impudent, but entertaining 'Letters of Peter to his Kinsfolk.'

Having collected and presented the foregoing testimonials of the peculiarities of our author's genius, and some notices of his life, a few desultory remarks on the former subject, and on the work before us, must be all that we now feel either inclined or justified to attempt.

The prominent capacity, in which Dr Brown offers himself to our minds, is that of a fearless, minute, and ultimate *analyst*. This is the characteristic, that distinguishes him from every other author on record. We are not disposed to vindicate his absolute superiority in many other striking qualifications. His style is far from being faultless, his scholarship is neither exquisite in choice, nor extensive in its range, nor are his observations on life and manners peculiarly rich or original; though in all these, as well as in many similar valuable requisites for a public instructer, he is not only not deficient, but is much more than respectable. But, in the art of looking into the elements and finer relations of things, in detecting the action and reaction between mind and matter, in reducing all human knowledge to its first principles, we boldly pronounce him to be without a competitor in our language. The true focus of Dr Brown's mind, the mark at which its most intense power acted, was fixed by nature for *microscopic* inspection. His more comprehensive surveys and larger classifications, though often imposing and magnificent, are sometimes dim, unwieldly, and incomplete. Witness his original arrangement of Politics and *Political Economy*, among the peculiar branches of the Philosophy of the Mind, an arrangement, however, which he did not subsequently follow. For another instance to the same purpose, we refer to his Inquiry into Cause and Effect, which wants distinctness in its general management and outline, though all the separate details of the argument are conducted with wonderful acuteness and power. Nor, while we follow him along the track of his

curious speculations, or peruse his more splendid and ambitious compositions, do we almost ever meet with those happy generalisations of expression, which so frequently astonish and delight us in the French school of the last century. Indeed, if a generalisation of this kind had struck him, he would not have been content to state and leave it simply to his reader. He would have indulged his favorite habit of tracing out all the particulars that went to form it, thus appearing to arrive by gradual steps to a conclusion, on which Voltaire or Diderot would have alighted at once.

But they, on the other hand, displayed little of his peculiar faculty and strength. Whoever will gaze through the medium of Dr Brown's representations at the objects of his analysis, will perceive them clothed with unwonted brilliancy and distinctness, and new points of vision starting up, which were unsuspected before. All nature crumbles into infinitesimals before his glance. No man is a warmer adorer of the aggregate beauty and glory of the universe, but no man was ever so prone to regard it as a world of *atoms*. So too, while he is an impassioned admirer of roses and beautiful faces, he cannot avoid reducing them, by a kind of stereographic projection, into plain surfaces of colored rays. He gazes with a poet's delight on the splendid embroidery, which nature hangs around us, but traces the involutions of every thread with still more of the eagerness of a metaphysician. He has erected new landmarks between the regions of illusion and those of reality. He has dissolved much of the influence, which names still exerted on our ideas of things. The study of his writings produces on the mind a similar effect with the study of chemistry.

We look round upon creation with almost newly furnished optics; every incident suggests matter of philosophical speculation; the motions of an infant, and the actions of an adult, 'all thoughts, all passions, all delights,' assume unaccustomed aspects, and exhibit interesting relations in the varied system of things. It is worthy of remark, that at the same moments, when Davy was accomplishing some of his greatest achievements in the analysis of matter, Brown was arriving at some of his most brilliant results in the analysis of mind. Both natural and intellectual science seem to have attained a point of equal pro-

gress, when these two contemporaries arose, to push further analogous discoveries respectively in each.

The next most remarkable characteristic, that distinguishes our author, is the undisguised warmth of his moral sentiments. It is rather out of fashion with existing literature, to seem very much in love with virtue. The phantom reproach of cant lowers in the distance, and frightens the moraliser into a well dissembled indifference. The public is a kind of good company, whose feelings must not be hurt by declamations against its favorite peccadilloes. The whining sentimentality of some authors, which was carried to a disgusting extreme about the end of the last century, and which received its death blow from Sheridan's character of Joseph Surface, underwent the usual reaction of other human extravagancies, and writers and talkers are now almost ashamed to testify any enthusiasm in favor of the parlor, every day virtues. Rousseau's delightful declamations, too, were mingled with so much that was unprincipled and false, that they contributed not a little to the same effect. Dr Brown has been one of the first to break this chill spell of assumed apathy. He comes forward, without fearing the charge of mawkishness or of hypocrisy, and pours out his whole soul in ardent praise of whatever is good and lovely. He appears as the unshrinking advocate, especially, of all the domestic and gentler virtues. The seriousness of his enthusiasm is well calculated to put to flight the skeptical and profligate smile of the scoffer. His works, in this respect, might be recommended as an antidote to the poison of Byron. Unlike most moral philosophers, he treats not of the virtues and of our moral feelings, with the same cold and scientific interest, that he would inquire into the affinities of a salt or a mineral. His inmost sympathies keep pace with his subject, and impart light to it. Several indirect testimonials to the truth and inspiration of Christianity, are scattered throughout his Lectures. He is thus shielded from the charge, so often urged against the productions of his illustrious predecessor. But we wish that he were more than so shielded, and that Christianity had been more directly, explicitly, and formally introduced into his moral system. We lament the miserable mistake, into which so many moral philosophers have been betrayed, in declining any assistance from the New Testament.

How might Dr Brown have added light, sanctity, and authority to his own doctrines, while he in turn would have contributed no support to the cause of Christianity. Can it be doubted, that Dr Chalmers is at this moment supplying the defect, on which we have been animadverting? May his attempts be wise and successful.

We have next a few words to say respecting our author's style. We remember hearing reported a happy *jeu d'esprit* on this subject, from the admired writer of Letters from the Mountains. When asked how she was pleased with Dr Brown's poetry, she replied, that it had too much metaphysics for her, and when immediately again questioned how she liked his metaphysics, she pronounced it too full of poetry. There is at least some foundation for this smart antithesis, though not enough to raise a serious objection against the writings in question. Dr Brown published several volumes of poetry at different times, but, in our opinion, scarcely a line of them was sufficiently metaphysical or respectable to deserve reading over, with the single objection of the Paradise of Coquettes. This work, published anonymously, was immediately, by the unanimous consent of the critics, pronounced to be second of its kind only to the Rape of the Lock. There is metaphysics in it, but we cannot think it *too* metaphysical. That portion of it, particularly entitled to this epithet, is one of the most sublime, beautiful, ingenious, and original efforts of the English muse. It is a description of the Heaven of Coquettes, and we have always regretted, that so very lofty a flight of the imagination should have been introduced into a work of a design so gay and humorous. It is difficult to read it without feeling religiously, rather than facetiously disposed. It somewhat resembles an inspired glimpse into the possibilities of a future state of being, and, with due modifications, would have been much more worthy of occupying a place in Baxter's Saint's Everlasting Rest, that gorgeous and delicious poem in prose, than of serving as a rhapsody in some heroi-comic effusion.

With respect to the other point of the abovementioned antithesis, we allow it to be better founded. There is a little too much poetry in Dr Brown's metaphysics, or, more exactly speaking, his general style as a writer is over poetical and or-

namental. We are very far from recommending it as a model, and should be sorry to see it adopted as such, with the same facility, that our young men copied the less ambitious, but still somewhat too measured flow of Mr Stewart's periods. We have sometimes thought that having written his Lectures, when comparatively young, and adopted at that time a florid and towering manner, Dr Brown was afterwards the less likely to correct it, in consequence of retaining, repeating, and laboring upon, the same course from year to year. He often indulges in solemn parade and emphatic preambles, while approaching the discussion of his topics, and talks much of the difficulty of his tasks. We know of no better way to characterise his style, than to denominate it ultra-Ciceronian. Coming short of the perfections attained, on the one hand, by the Roman orator, it leans, on the other, rather towards his faults. It is too elaborate, tumid, and redundant. It is like Akenside's verse turned into prose, except that it sends out not the slightest of a Grecian savor, and this last circumstance, coupled with the rarity, amounting almost to absence, of quotations from the Greek, convinces us, that the author must have been very superficially versed in the literature of that language. It may seem a hard and rash judgment to estimate a person's scholarship, from the number of his learned quotations; and so in general it is. But when one is a professed, and as we may say, an inveterate quoter, filling his productions with extracts from English and Latin authors, we may fairly conclude, that a line or two from Euripides, and a sentence now and then from Plato, if they had been 'familiar to his ear as household words,' would have embellished his moral declamations, or given point to some of his philosophical statement and conclusions.

Notwithstanding these negative peculiarities, it must not, however, be denied, that our Lecturer deserves to be ranked among the classical writers of the language. He is wanting only in a kind of Augustan perfection; yet still he is classical, in the same way as that epithet belongs to Ammianus, to Statius, and to Seneca. The last author, by the way, is a god of his idolatry, and is quoted by him, we remember, alone of all others, five times in one Lecture. No man ever wielded the resources of the English tongue more skilfully than Dr Brown, or wrote it in more perfect purity. Yet it was the general European standard of its perfection, at which

he aimed, and not at its idiomatical properties and graces. His style has all the effort and completeness of a well executed movement by some scientific composer, but little of the indescribable and native charm, that pervades the beautiful melodies of his own country. He is full of brilliancies, while he has few felicities, and it is this defect, which will lose for him the greatest number of readers. There are no easy, sweet, and playful turns in his diction, to relieve the strained and everlasting *nisus* of scientific disquisition. He *hammers* everything to the last degree. There is not a thought shown us just as it came into his mind. Though we admire the productions of his skill, yet we almost hear the workman panting and striving at his labor, and the whole atmosphere of his book is redolent of oil.

A favorite figure of speech with the author, which he very frequently carries to a fault, is the climax. Scarcely a lecture that does not contain one. To set off some leading idea, or to give force and splendor to an illustration, circumstance is heaped upon circumstance, and clause mounts over clause, till the breath of the stoutest reader gives way, and the dizzy train of his thoughts often goes with it.

We must acknowledge that, in the writings of Dr Brown, there are too many obscure and difficult passages. After making due allowance for the imperfect state in which his manuscripts may have been left,* for the abstruse and shadowy nature of many of his topics, and even for an occasional mysti-

* We take the liberty of mentioning here a confused and erroneous arrangement of a few of the Lectures, at the end of the first, and beginning of the second volumes of the Edinburgh edition, and in the latter portion of the first volume of the Andover. To any one who will examine the matter with ordinary attention, there will, as we think, appear so many undeniable reasons for a substitution of the following arrangement, that we shall not take the trouble to enumerate them. It is certain that, as the Lectures now stand, nothing can be more perplexed and ill concatenated. To introduce order among them, we recommend these six movements.

1. Lecture 24, as now numbered, should unquestionably be Lecture 23.

2. But the *recapitulation* prefixed to Lecture 23, as it now stands, including pp. 511, 512, Edinburgh edition, or p. 345, Andover edition, should remain as it is. Then the body of the true Lecture 23, will properly begin near the bottom of p. 537 Edinburgh, or on p. 362 Andover. *That we now seem to perceive*, &c. This, if we are correct, should be continued to p. 563, Edinburgh, or p. 376 Andover, where lecture 23 will properly end.

3. The recapitulation prefixed to lecture 24, stands where it ought, ending near the close of p. 537 Edinburgh, or on p. 362 Andover, thus ;—*boundaries from the other.* The body of the true Lecture 24, will begin at p. 513 Edinburgh, or p. 346 Andover, thus ;—*Though the notion of extension*, &c.

cism and unattainable aim in some of his thoughts, there still remain too many sentences to remind us, by contrast, of the unabating transparency of Mr Stewart's elocution. On the whole, we must allow, that our author's is often a hard style to read, and, as we should have thought, a much harder one to hear. He seems frequently not to have adapted his sentences to the capacity of the ear. The attention is stormed and borne along, rather by the force and brilliancy of the expressions, by the earnest energy of the writer, and by the novelty, splendor, and importance, of his well selected topics, than by the clearness and distinctness of each successive position, and a certain smooth and resistless current of diction, of which Adam Smith, Paley, and Godwin in his philosophical works, occur to us just now as three of the most remarkable instances. It would be unfair, of course, to refer for this point of comparison to historical or narrative writing.

Though it is impossible to deny Dr Brown the possession of very extensive attainments in polite literature, yet sometimes there occur passages, which seem to indicate a want of familiarity with subjects, that are at the fingers' ends of every general reader.

In one place he condescends to impart, with much display, the information, that Abelard, besides his well known connexion with Eloisa, 'was distinguished for his talents and attainments of every sort;' and somewhere else he tells us, as a perfect novelty, the whole story of the sympathetic needles from Strada's Prolusions. Mr Stewart touches upon such things in quite a different manner.

The remarks hitherto made, apply to the general characteristics of Dr Brown as a writer. We have a few more specific

and continue to the end of p. 530 Edinburgh, or p. 357 Andover, where the true Lecture 23 terminates.

We know no way of accounting for the disorder here pointed out, except by supposing that Dr Brown wrote his recapitulations on separate sheets of paper from the bodies of his Lectures, and thus, that the bodies of Lecture 23 and Lecture 24, have accidentally changed places, while the recapitulations continued in their proper order.

4. The whole of Lecture 27, recapitulation and all, should take the place and number of Lecture 25.

5. Lecture 25, recapitulation and all, should take the rank and place of Lecture 26.

6. Lecture 26, in like manner, should entirely assume the place and rank of Lecture 27. A slight inspection will demonstrate the correctness of these last alterations.

criticisms to offer on the particular Lectures before us. Their posthumous publication is a warrant for gentle treatment, of which, however, they little stand in need. It is enough to secure Dr Brown the highest praise to say, that he has well discharged the vast responsibility of being the successor of Mr Stewart, or rather, of taking up the Philosophy of the Mind, where Reid and Stewart had left it. He enjoyed, indeed, peculiar advantages in coming after such men, and inheriting a certain general excitement and respect toward the science, to which they had been instrumental in raising the public mind. The era in which he wrote, too, was one of peculiar intellectual developement. Poetry, and every branch of natural science, were daily accomplishing wonders, and our author's condition was precisely such, that he must either produce corresponding achievements in the Philosophy of Mind, or encounter the mortification of failure and obscurity. To these *arduous* advantages he was equal. Certain it is, that during his life he sustained the highest reputation as a Lecturer, and that on every individual, who witnessed his performances, without, as far as we are aware, a single exception, he made a favorable impression, unusually profound and permanent.

A very valuable, if not the most valuable feature of this great work, consists in the contributions which it furnishes to the science of Natural Theology. Paley had already collected from every part of external, material nature, the most striking proofs of benevolent design in the Deity. Brown has effected precisely the same object, with respect to the various phenomena of our intellectual frames. A volume might, with great ease, be extracted from different portions of these lectures, which would completely fill up the chasm in Paley's outline, and deserve a place in every library on the same shelf with his celebrated treatise. Its plan might be consistently extended and improved, by the addition of such extracts as most directly contribute to the cause of religion, morality, and right thinking. One recommendation, at least, of the proposed work would be, that it would present a body of the most clear, original, popular, and least exceptionable passages, that occur throughout the Lectures. Its tendency to higher utility can as little be doubted.

The general plan of the Lectures is, perhaps, too unwieldy and encyclopedial for a single work. We have no right to complain, indeed, of any author, for giving to the public ever so extended a series of delightful and improving compositions. The statutes of his professorship might, also, have enjoined upon this writer a very comprehensive range of subjects, more or less connected with the mind. His original scheme, as we have before seen, included Politics and *Political Economy*. Why it might not also have embraced Languages, Rhetoric, and Grammar, with equal propriety, we cannot divine. We are of opinion that the proper Science of the Mind, if treated with the requisite compactness, would be limited to the investigation and description of our mental operations alone. Legitimately it cannot branch out into Moral Philosophy, nor into Natural Theology. Each of these should form a system by itself. The philosopher of the mind ought, indeed, to trace the *connexions*, which his subject bears with these and all other sciences. But he has no particular business with erecting *systems* of Moral, Theological, Political, or Historical, Philosophy. For instance, he may, with Dr Brown, attempt to investigate the true nature of Moral Obligation. This is a sentiment of the mind. But as a mental philosopher, his task stops there. He departs from his particular sphere, when he proceeds to enumerate and enforce the personal, social, political, and religious duties, *arising out* of our moral obligation, since he thus encroaches on the real domain of the Moral Philosopher.

Among the inconveniences, to which the form of posthumous Lectures subjects this work, are the innumerable recapitulations and repetitions, which everywhere occur. Probably all the leading ideas and arguments are stated, to a greater or less extent, three times over; and many of them, even more. So that, were the Lectures reduced to a regular treatise, and these repetitions omitted, we should have a book exceeding in size little more than two thirds of the present. It should be remembered, however, that what is thus sometimes an annoyance in perusal, must have been attended with some advantages to those, who originally had the privilege of hearing. And even now, the reader will find much assistance in comprehending and appreciating the author's arguments, by studying the recapitulations,

in which former statements are frequently placed in better points of view, and considerations altogether new, are sometimes presented. Nor on the whole do we regret, that the identical Lectures themselves have been published as they were delivered, with all those little incidental appeals to the honor and good feelings of the students, those occasional compliments to the author's colleagues in office, and those other allusions to circumstances of time and place, which take much from the abstract nature of the work, and invest it somewhat with the charm of local reality.

Although, as we before intimated, our author's style is the very opposite to the sententious, yet the vastness of his philosophy, and acuteness of his mind, have caused him to scatter several weighty maxims throughout these Lectures. We subjoin a few as morsels for reflection.

'Science is the classification of relations.'

'The form of bodies is their relation to each other in space,—the power of bodies is their relation to each other in time.'

'The power of God is not anything different from God.'

'The philosophy of the mind, and the philosophy of matter, agree, in this respect, that our knowledge is, in both, confined to *the mere phenomena.*

'We pay truth a very easy homage, when we content ourselves with despising her adversaries.'

'The difficulty of ascertaining precisely, whether it be truth, which we have attained, is in many cases much greater, than the difficulty of the actual attainment.'

'Philosophy is not the mere *passive possession* of knowledge; it is, in a much more important respect, the *active exercise of acquiring it.*'

'Happiness, though necessarily involving present pleasure, is the direct or indirect, and often the very distant result of feelings of every kind, pleasurable, painful, and indifferent.'

'When absolute discovery is not allowed, there is left a probability of conjecture, of which even philosophy may justly avail herself, without departing from her legitimate province.

'To know the mind well, is to know its weaknesses as well as its powers.'

'There is always in man a redundant facility of mistake, beyond our most liberal allowance.'

'*All* the sequences of phenomena are mysterious, or *none* are so.'

'National ridicule is always unjust in degree.'

'If we had been incapable of considering more than two events together, we probably never should have invented the word *time*.'

'That men should not agree in opinion, is a part of the very laws of intellect, on which the simplest phenomena of thought depend.'

'Objects, and the relations of objects—these are all which reasoning involves.'

Three or four lectures are occupied in giving the substance of the author's doctrine of Cause and Effect. It is an objection to the doctrine, when urged in his broad and unqualified manner, that it must tend to the discouragement of scientific inquiry. In pressing his particular views, he unguardedly represents it as a fruitless task to search for any other cause of a given effect, than the obvious and apparent one. But this would keep us back in the ignorance of infancy. The author could not have intended such a conclusion; but he should have provided better against it. Another thing that has struck us, in our perusal of these arguments, is, that they do not come much short of asserting, that the Deity himself cannot know why a particular cause produces its *immediate* effect. One more remark connected with this topic. When Dr Brown asserts, that nothing can exist in nature, but all the *substances* that exist in nature, what would he say of *motion?* Is this nothing, or is it something? If it is something, can it be called a substance? In short, the existence of motion, particularly spontaneous motion, though more intimately connected than any other phenomenon with this subject, and perhaps involving its essential difficulty, receives not in these speculations its due share of notice.

The author loses himself in a criticism on Hume, at the end of the thirtyfourth Lecture. Hume does not speak of the annihilation of an idea, as Dr Brown represents him, but of the idea of annihilation. This mistake destroys the whole reasoning.

We were disappointed in seeing no attempts to draw the characteristic lines of distinction, between man and the brute creation. The subject is nowhere hinted at. It was admirably adapted to the peculiar powers of the author. He does not even encounter the obvious objection, that most of his arguments for the immortality of the soul would as well apply to 'faithful Tray,' as to his master.

We are not satisfied with the liberties everywhere taken, in quoting the English poets. Scarcely a passage from them occurs, that is not altered, apparently with a direct intention, though, we are not always fortunate enough to perceive, with a happier adaptation to the subject in hand.

From the author's ambition to say something of every subject, more or less connected with his particular science, we were surprised that he has interwoven no remarks upon Delirium, Hypochondriasis, Liberty and Necessity, and a few others. An evident vein of Necessitarianism runs through all his speculations. That doctrine may be pretty directly deduced from his views of Cause and Effect, as well as from his favorite statements of the operations of the mind. Amid his loftiest declamations, upon the immortality and other attributes of the soul, we never hear a word of its freedom, although such a topic would have thrown a characteristic lustre on many a splendid paragraph.

Perhaps it may be wrong to assert, that the author was under obligations to the late Dr Cogan, as that gentleman's name, unaccountably at any rate, is alluded to nowhere in the Lectures. Yet it cannot be denied, that a strong general coincidence exists between the two writers in their treatment of the Passions and Emotions, and several ethical questions, and particularly, the *final causes* of the actual arrangement of many mental phenomena.

Dr Brown, more frequently than any other writer, goes back to infancy, childhood, and savage life, for the decision of philosophical points.

He seems to have possessed little sense of the ludicrous. He never undertakes of himself to combat an error with satire. When he has need of this weapon, he constantly resorts to large quotations from Martinus Scriblerus, or Fontenelle. There is in this respect a striking contrast between himself and Dr Campbell, whose ridicule was as irresistible as his serious argument.

We were going on to particularise our favorite Lectures, and to transcribe abundance of other pencil marks, with which we have cumbered the margins of the author's pages, but there is no end to this kind of critical chitchat, and we forbear.

ART. III.—*Recollections of the Peninsula.* By the Author of Sketches of India. First American from the Second London Edition. Philadelphia, 1824. 12mo. pp. 260. Carey & Lea.

THIS little book is not so much, Recollections of the Peninsula, as it is recollections of what was done in the peninsula between 1809 and the end of the war, by that portion of the British army, to which the author was attached. It is an amusing and interesting narrative, or collection of narratives, confined almost entirely to proceedings within the camp, of which it gives near and familiar views. Very little is said of the plans or movements of the entire army; but instead of these we are told, in minute detail, of what the author himself saw, did and suffered. Such sketches are, in a good degree, new, and afford us often a striking and animated picture of a soldier's life, as it is every day passed in the field and before the enemy.

'We bivouacked daily;' says he, giving an account of the entrance into Spain from Portugal. 'It is a pleasant sight to see a column arrive at its halting ground. The camp is generally marked out, if circumstances allow of it, on the edge of some wood, and near a river or stream. The troops are halted in open columns, arms piled, picquets and guards paraded and posted, and, in two minutes, all appear at home. Some fetch large stones to form fire places; others hurry off with canteens and kettles for water, while the wood resounds with the blows of the bill-hook. Dispersed, under the more distant trees, you see the officers; some dressing, some arranging a few boughs to shelter them by night; others kindling their own fires; while the most active are seen returning from the village, laden with bread, or, from some flocks of goats, feeding near us, with a supply of new milk.' p. 42.

Again he says;

'Instructed by our last year's wants, our officers now took the field very comfortably provided; many of us were mounted, most of us carried tents, and experience having shown us what would be really useful, we had, at our leisure, procured and planned many little camp conveniences. Myself and my companion had our tent, camp table and stools, palliases, canteens, &c. and, after our servants got accustomed to the life, provided the weather was fair, and no especial order of march, or readiness, interfered, our meals were prepared and served in bivouacks, the most rude and unfrequented, altogether remote from towns or cities, with the greatest

regularity, cleanliness, and comfort. A quarter of an hour after the halt of the column, our tent was pitched, kettle boiled, breakfast cloth spread, and tea things laid out under some shady tree, the goats milked, and we were seated in comfort at our cheerful meal. The dinner, too, no great variety in the cookery to be sure, for there are *but two dishes* seen in a camp, namely, soup and bouilli, or an Irish stew, but these with rice, pumpkin, tomatas, and a bottle of good country wine, left a moderate man little to wish for, and *nothing to grumble at.*" pp. 93, 94.

Another lively account is given of the occupation of Bucellas.

'On the thirteenth my regiment again moved to Bucellas. Near this town ran the second line of defence, and the post being considered highly important, six British battalions were stationed in it in reserve. The whole time that we remained here, our line was regularly under arms two hours before break of day every morning; and when the sun appeared above the horizon, we generally manœuvred for an hour before we were dismissed. For a few days on our first arrival in this quarter, my friend and I pitched our tent in the market place. Here I took my meals, but slept with my company in a church, in which about two hundred of our men were accommodated. The senior officer had the sacristy, the next a little chamber recess behind the high altar, and the rest of us made ourselves truly comfortable in the large organ loft. I used often to lean out of this gallery, and contemplate the strange scene below me. How a sober citizen from St Paul's churchyard would have stared, to see a serjeant of grenadiers writing his reports on the communion table, a fifer lounging at his ease in the pulpit, and practising his favorite quick step, and the men dividing and calling off their rations of raw beef on tombs of polished marble. Such, however, is but too faithful a picture of an every day occurrence on actual service.' pp. 123, 124.

The following is, we apprehend, a strongly marked and happy sketch.

'We had here [Arroyo] a most amusing specimen of French character. In the French column one of the regiments was numbered thirtyfour; in the British column also the thirtyfourth regiment led the pursuit, and got quite mixed with the enemy. Several of the French officers, as they tendered their swords, embraced the officers of the English thirtyfourth, saying,—"Ah, Messieurs, nous sommes des frères; nous sommes du trente-quatrième régiment tous deux."—"Vous êtes des braves."—"Les Anglois se battent toujours avec loyauté, et traitent bien leurs prisonniers."—"Ah, Messieurs, la fortune de la guerre est bien capricieuse."—Under

any circumstances, however unfortunate, this people will find some method of disarming wrath, courting favor, and softening their fate; they have spirits, too, wonderfully elastic; and have the readiest ingenuity in framing excuses for any disaster, or disgrace, which may befall them. I was on duty over the prisoners a few days after the affair; at the close of the day's march a chapel was allotted to them for the night, and to have seen them take possession of it, one really would have thought that they were still marching free, and in arms; they entered it, singing, "Grenadiers, ici; grenadiers, ici"—"Voltigeurs, là, là; voltigeurs, là, là"—and ran tumultuously, the grenadiers to the altar, and the voltigeurs to the gallery. In ten minutes all were at home, some playing cards, some singing, some dancing, here a man was performing punch, behind a great coat, with infinite drollery; there again, quieter men were occupied in repairing their clothes, or shoes, while in one part of the chapel a self-elected orator was addressing a groupe on their late capture, in such terms, as, "Messieurs, vous n'êtes pas déshonorés"—"On nous a trompé; cet espion, cet Espagnol, nous a vendu." "Et comment! qui vous a dit cela?" said a rough voice. "Monsieur," replied my orator, "vous me permettrez de savoir. Je suis de Paris même, et je connois la guerre." This speech was highly approved; for several vociferated—"Ah! oui, il a raison; nous avons été vendus par ce vilain espoin." "Nous aurions battu les Anglois dans une affaire rangée, mais certainement," said my little Parisian; and just then the rations making their appearance, they all hurried to the door, and singing some song, the chorus of which was "Bonne soupe, bonne soupe," they eagerly took their meat, and set about preparing it.' pp. 174, 175.

Another sketch of a similar kind, and no less spirited, is to be found at pp. 136—7, giving an account of an amusing interview with some French officers on the banks of the Tagus, where Wellington so long held his enemy at bay, and where the two armies, when it happened, had been quietly watching each other nearly three months.

'About the middle of February, as I was one day walking by the river side with three or four companions, we observed an unusual crowd on the opposite bank, and several French officers. They saluted us, with a "Bon jour, Messieurs;" and we soon fell into conversation. They were exceedingly courteous. They spoke in the highest terms of Romana, who had lately died, calling him "Le seul général Espagnol digne de son grade." They asked after Lord Wellington; saying he had done wonders with the Portuguese, and praising him greatly for his conduct of the campaign. They next inquired if our king was not dead; and on

our replying that he was not, one of them spoke, but inaudibly ; another, in a louder voice, repeated " Le général dit, que tout le monde aime votre Roi George, qu'il a été bon père de famille, et bon père de son peuple." We were thus, at once, let into the rank of one of their party, and not a little delighted at the manner in which they had spoken of our excellent and unfortunate sovereign. A great deal of good humor prevailed ; we quizzed each other freely. They asked us how we liked bacalláo and aceite, instead of English roast beef? and we, what they did at Santarem without the restaurateurs, cafés, and salles de spectacle of their dear Paris? They replied, laughing, that they had a theatre ; and asked us to come over, and witness the performance of that evening, which would be, " L'Entrée des François dans Lisbonne." A friend of mine most readily replied, that he recommended to them " La répétition d'une nouvelle pièce, ' La Fuite des François.' " They burst into a long, loud, and general laugh ;—the joke was too good, too home. Their general, however, did not think it wise to remain longer ; but he pulled off his hat, and wishing us good day with perfect good humor, went up the hill, and the group immediately dispersed.' pp. 136—138.

We will add but one more extract, and that is of the French army as it appeared before and after the battle of Buzaco.

' On the twentysixth we again moved, and fording the Mondego, climbed the lofty Sierra de Buzaco, and found ourselves on the right of Wellington's army, and in order of battle. Our position extended nearly eight miles along this mountainous and rocky ridge, and the ground on which we formed inclining with a slope to our own rear, most admirably concealed both the disposition and the numbers of our force. My regiment had no sooner piled arms, than I walked to the verge of the mountain on which we lay, in the hope that I might discover something of the enemy. Little, however, was I prepared for the magnificent scene which burst on my astonished sight. Far as the eye could stretch, the glittering of steel, and clouds of dust raised by cavalry and artillery, proclaimed the march of a countless army ; while, immediately below me, at the feet of those precipitous heights, on which I stood, their picquets were already posted ; thousands of them were already halted in their bivouacks, and column too after column, arriving in quick succession, reposed upon the ground allotted to them, and swelled the black and enormous masses. The numbers of the enemy were, at the lowest calculation, seventyfive thousand, and their host formed in three distinct and heavy columns ; while to the rear of their left, at a more considerable distance, you might see a large encampment of their cavalry, and the whole country behind them seem-

ed covered with their train, their ambulance, and their commissariat. This, then, was a French army; here lay, before me, the men who had once, for nearly two years, kept the whole coast of England in alarm; who had conquered Italy, overrun Austria, shouted victory on the plains of Austerlitz, and humbled, in one day, the power, the pride, and the martial renown of Prussia, on the field of Jena. Tomorrow, methought, I may, for the first time, hear the din of battle, behold the work of slaughter, share the honors of a hard fought field, or be numbered with the slain. I returned slowly to the line; and, after an evening passed in very interesting and animated conversation, though we had neither baggage nor fires, we lay down, rolled in our cloaks, and with the stony surface of the mountain for our bed, and the sky for our canopy, slept or thought away the night. Two hours before break of day, the line was under arms; but the two hours glided by rapidly and silently. At last, just as the day dawned, a few distant shots were heard on our left, and were soon followed by the discharge of cannon, and the quick, heavy, and continued roll of musketry. We received orders to move, and support the troops attacked; the whole of Hill's corps, amounting to fourteen thousand men, was thrown into open column, and moved to its left in steady double quick, and in the highest order.

'When within about a furlong of one of the points of attack, from which the enemy was just then driven by the seventyfourth regiment, I cast my eye back to see if I could discover the rear of our divisions; eleven thousand men were following; all in sight, all in open column, all rapidly advancing in double quick time. No one, but a soldier, can picture to himself such a sight; and it is, even for him, a rare and grand one. It certainly must have had a very strong effect on such of the enemy as, from the summit of the ridge, which they had most intrepidly ascended, beheld it, and who, ignorant of Hill's presence, thought they had been attacking the extreme of the British right. We were halted exactly in rear of that spot, from which the seventyfourth regiment, having just repulsed a column, was retiring in line, with the most beautiful regularity, its colors all torn with shot. Here a few shells flew harmlessly over our line, but we had not the honor of being engaged. The first wounded man I ever beheld in the field was carried past me, at this moment; he was a fine young Englishman, in the Portuguese service, and lay helplessly in a blanket, with both his legs shattered by cannon shot. He looked pale, and big drops of perspiration stood on his manly forehead; but he spoke not—his agony appeared unutterable. I secretly wished him death; a mercy, I believe, that was not very long withheld. About this time, Lord Wellington, with a numerous staff, galloped up, and

delivered his orders to General Hill, immediately in front of our corps; I therefore distinctly overheard him. "If they attempt this point again, Hill, you will give them a volley, and charge bayonets; but don't let your people follow them too far down the hill.' I was particularly struck with the style of this order, so decided, so manly, and breathing *no doubt* as to the repulse of any attack; it confirmed confidence. Lord Wellington's simplicity of manner in the delivery of orders, and in command, is quite that of an able man. He has nothing of the truncheon about him; nothing full mouthed, important, or fussy; his orders, on the field, are all short, quick, clear, and to the purpose. The French, however, never moved us throughout the day; their two desperate assaults had been successfully repelled, and their loss, as compared to ours, exceedingly severe. From the ridge, in front of our present ground, we could see them far better than the evening before; arms, appointments, uniforms, were all distinguishable. They occupied themselves in removing their wounded from the foot of our position; but as none of their troops broke up, it was generally concluded that they would renew their attacks on the morrow. In the course of the day, our men went down to a small brook, which flowed between the opposing armies, for water; and French and English soldiers might be seen drinking out of the same narrow stream, and even leaning over to shake hands with each other. One private, of my own regiment, actually exchanged forage caps with a soldier of the enemy, as a token of regard and good will. Such courtesies, if they do not disguise, at least soften the horrid features of war; and it is thus we learn to reconcile our minds to scenes of blood and carnage. Towards sunset, our picquets were sent down the hill, and I plainly saw them posted among the corpses of those, who had fallen in the morning. Nothing, however, immediately near us, presented the idea of recent slaughter; for the loss, on our side, was so partial, and considering the extent of our line, so trifling, that there was little, if any, vestige of it; not so the enemy; but as they suffered principally on their retreat down the hill, their slain lay towards the bottom of it; from whence, indeed, they had been removing their wounded.

'The view of the enemy's camp by night far exceeded, in grandeur, its imposing aspect by day. Innumerable and brilliant fires illuminated all the country spread below us; while they yet flamed brightly, the shadowy figures of men and horses, and the glittering piles of arms were all visible. Here and there, indeed, the view was interrupted by a few dark patches of black fir, which, by a gloomy contrast, heightened the effect of the picture; but, long after the flames expired, the red embers still

emitted the most rich and glowing rays, and seemed, like stars, to gem the dark bosom of the earth, conveying the sublime ideas of a firmament spread beneath our feet.' pp. 107—112.

Occasionally the author gives us picturesque descriptions of the scenery and manners he found in Spain; but when he is on these portions of his work, he indulges himself in an affectation of sentimental, fine writing, which is remarkably misplaced in the midst of the stirring adventures of a soldier's life. This sentimentality is, indeed, the principal and prominent fault of the work, and may be sufficiently offensive to some persons to induce them to throw it down altogether; but, for ourselves, we think it is redeemed by the happy sketches it gives of what belongs to actual service,—of an officer's life in the midst of his soldiers, in his tent, in his bivouack, in quarters, and before the enemy.

We wish, however, that he had spoken oftener and more at large of the Spanish national character, as it was exhibited to him amidst the various fortunes of the war of the peninsula, when it was brought out in so many ways. This character is, undoubtedly, one of the most strongly marked, and, in some of its appearances, the most picturesque in Europe; little known abroad, and often very wrongly estimated. We had once intended to give sketches of it, as far as it is exhibited in popular amusements, which, in all countries, and especially under despotic governments, are among its most prominent indications. But the subject proved too extensive, and we reluctantly abandoned it.

As, however, our recollections of the Spanish character have been revived by the little work, we have just noticed, we have thought we would endeavor to give some impression of the two most popular amusements in Spain, amusements which are undoubtedly, as characteristic of the nation as any thing in modern Europe. We refer to their public walks, and to their bull fights; and select the Prado, or great public walk at Madrid, and the Madrid bull fights, both because they are the most characteristic and splendid of any in the country, and because no attempt has been made to describe them which can be considered, in any good degree, successful.*

* We ought, perhaps, to except Blanco White's description of the bull fights of Seville; but these are quite different from the festivals at Madrid, and much less splendid.

The Prado of Madrid is, both to Spaniards and strangers, a source of inexhaustible amusement. As a public walk, it is one of the finest within the walls of any European city, finer, in most respects, than either the Tuilleries at Paris, or the Chiaja at Naples. It begins at the gate of Atocha, and passing the magnificent entrance of Alcala, extends round to the gate and convent of the Recoletos, following the limits of the city. Anciently it was an uneven meadow or field, as its name, like that of the Prater at Vienna, derived from the Latin, *pratum*, plainly shows; and, while it was in this condition, it was famous as the scene of most of the plots, duels, murders, and intrigues of the city, as is, at once, seen in the old plays and ballads. It was not, however, until the middle of the last century, when the adjacent palace of the Buen Retiro rose to great favor, that Charles the Third levelled it, planted it with trees, and made it the beautiful walk it now is.

On entering it from the gate of Alcala, or rather from the street of the same name, the stranger finds himself in the midst of a superb, wide opening, called the saloon; on the right hand of which is a double walk, and on the left, first a broad drive for the carriages, wide enough for four or five to pass abreast, and afterwards another double walk; the whole ornamented with three fine fountains and eight rows of trees, statues, and marble seats. During the forenoon and nearly the whole of the afternoon, in the fine season, no part of the city is so silent and deserted as this; and yet when the heat will permit, it is a spot, which, of all others in Madrid, is most attractive by its freshness, its solitude, and its shade. Between five and six o'clock, the whole Prado is carefully watered, to prevent the dust, which would otherwise be intolerable, in a city where rain is very rare in the summer season. Just before sunset the carriages of all Madrid, and a great proportion of the population of the city begin to appear; and about half an hour after sunset, the exhibition is in its greatest splendor. There is nothing like it anywhere else. In the vast space appropriated to the carriages and horsemen, two rows of coaches, forming one unbroken line, move, at a slow walk, up and down on each side, as they do in the Corso of Rome during the carnival, prevented by their own multitude from advancing any faster; while the

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king, the infantas, and the royal family, with their guards, dash up and down in the midst, at a full trot, in a space kept open for them, and compel every body on foot to be uncovered, and every body in a carriage, to stop, and, however awkward the manœuvre may be, to stand up. But such equipages can be found in no other part of Christendom, such a motley confusion, or such a strange and incongruous variety; for the fashions of at least three centuries are confounded so completely, that it is often difficult to tell to which the different parts belong, and impossible to conjecture how they have been thus brought together. First, perhaps, comes along a beautiful coupée, such as might be ventured at the exhibition of Longchamp, or in Hyde Park, but drawn with difficulty by two worn out mules, attached to it by ropes, and with a postilion who looks as if he had come down unchanged, from the reign of Ferdinand and Isabella. Next follows a gothic looking chariot, without springs, covered with antique carving and gilding, but with two fine Andalusian steeds, who are kept with difficulty in the grave and measured pace prescribed to all, while, behind the vast machine, stands a light chasseur of the newest pattern, with his feathered chapeau de bras stuck affectedly under his arm. After this comes, perhaps, a broken down, dirty modern coach, painted on its pannels with all four footed and creeping things, and seeming almost covered over with laced lacqueys; and finally follows some ambassador's splendid parade barouche, which makes all the rest look dim and mean. But amusing as is the procession, which is thus brought together in the Prado, partly by the vanity of the nobility, who have hardly any opportunity except this to show themselves, but chiefly because there is no other drive in Madrid or its neighborhood, it should still be remembered, that the prevalent custom of using mules instead of horses, which extends even to the royal family, and the great proportion of antiquated, grotesque carriages, covered with all forms of vulgar painting and gilding, prevent this part of the exhibition from being little else besides amusing to a foreigner.

The exhibition on foot, however, in the saloon, and in the walks adjacent to it, is altogether different. The greater part of the persons, who constitute it, are women; and the national costume for them, which all are compelled to observe,

from the highest to the lowest, the moment they appear abroad, except in a carriage, is so singularly adapted to produce a picturesque effect, and by its uniformity, to conceal any negligence in the dress of an individual, that a collection of Spanish women in the national costume, though taken from all classes, often resembles the groups, that are carefully and fancifully collected in the ballet of a grand opera to produce a stage effect. But this effect is no where so strikingly produced, as in the Prado of Madrid, where, above all others, the Spanish women delight to resort, and where their peculiar dress and manners can be best exhibited. The show they make here, is, indeed, altogether unique. Their dark basquiña so sets off their passionate physiognomy, and full, piercing eyes; there is such a grace and coquetry in all their movements, in their manner of wearing and flirting their beautiful veils, and of beckoning a salutation to their acquaintance with their fans, as well as in the neatness and skill with which they dress every part of their persons, and particularly their feet, that every time a stranger sees this vast crowd of the Prado, mingled with the great number of officers of the royal guard, who are always there in their showy uniforms, and the still greater number of monks and priests, in their dark, severe costumes, he must be persuaded anew, that it is the most beautiful moving panorama the world can afford.

At about three quarters of an hour after sunset, when the crowd is the greatest, the bell of the neighbouring convent tolls for the angelus, or evening prayer, and the long line of carriages stops as if by magic, while every body on foot becomes instantly fixed as a statue, and prays, or seems to pray, in perfect silence. The effect is very striking; for the whole of this immense crowd, which an instant before sent up a murmur like the chafing of the distant ocean, is now as still as the earth beneath its feet; but in a moment afterwards, the busy hum and movement begin again, and all goes on as gaily as before. By eight or nine o'clock, however, even in midsummer, the multitude begins to melt away, and at ten none but the ordinary passengers are met there; except that sometimes, during the extreme heats, little parties are formed, that send for refreshments and music, and protract their gay evening, on the borders of one of the fountains, until midnight.

The great amusement, however; the national and prevailing amusement; the amusement that swallows up all the rest, is the *Fiestas de Toros*,—the bull feasts, or bull fights. It is purely and exclusively Spanish;* and the passion with which it is sought by all classes, and with which it seems always to have been sought in Spain, is inconceivable to one who has not witnessed it, and would be incredible upon common testimony, if we had not the histories of the gladiators and the circensia to confirm it. Nothing has been written about the history of the bull fights, and very little can probably now be learnt of their origin. They do not seem to have come from the Romans, or to have much resembled the bull fights Cæsar introduced at Rome, which were probably taken from the contests, that were so famous in Larissa, and which must have continued very late, since they are mentioned by Heliodorus in his Æthiopica. The first intimations we have chanced to meet of Spanish bull fights, are in the Chronicle of the Cid, the oldest Spanish chronicle extant, which numbers them among the merry makings at the wedding of the Cid's daughters, which happened in the eleventh century. The General Chronicle of Spain, that rich mine, from which so many of the best materials for Spanish poetry and history have been alike drawn, says incidentally, that they were among the amusements in Saldaña, on the wedding of Alfonso the Seventh, of Castille, in 1124. A century later, the passion for them had become so decided, that Alfonso the Wise, in his famous laws called the Partidas, 1256—1263, found it necessary particularly to forbid prelates from indulging in them, though it is now an amusement at which an ecclesiastic would think it indecent to be present. At the marriage of John the Second, in 1418, they were remarked for their splendor, and Manrique the poet, who lived in the latter part of that century, speaks of their great fame in his time.

* Bull fights have been held, we believe, in Bayonne, and certainly in the remains of the Roman amphitheatre at Nismes; but this is owing, in both instances, to the immediate neighborhood of Spain, and the influence of Spanish manners; and, in each, they have been clumsily conducted, and had little success. In the middle ages, too, we have some notices of bull fights, the most remarkable of which is described by Gibbon, c. 72, and took place in the Coliseum, September 3, 1332, when eighteen knights were killed, obviously for want of practice in the art. Except these, however, we believe all other bull fights, of which we read, should be called *bull baitings*, and have no resemblance to the Spanish.

From this period till the age of Philip the Third, was the most splendid epoch of the bull fights, for they were common throughout Spain, both among Moors and Christians; and the persons, who fought on all the great public festivals and rejoicings, were cavaliers and noblemen of distinction. Indeed, it was now so high an accomplishment, that it was praise enough to say of any one, as Roxas, in one of his plays, makes a prime minister say to his king, of a subject he recommends to great favor, that he is

> 'So brave,
> That with his single arm, he overthrows
> The leader of the herd.'

The poetry of this period, too, especially their beautifully wild national ballads, is full of the bull fights in Seville, Ocampo, Medina Cœli, &c, where Moors and Christians often joined in the same festival, and it was so truly one of the accomplishments of a good knight, that even the kings themselves practised it. Isabella, however, to whose patronage we owe the discovery of America, declared herself entirely opposed to them in her kingdom of Arragon, though still, at the same time she expresses her horror at their cruelties in a letter to her confessor, which is still extant, and is, perhaps, the earliest record of an unlimited condemnation of the amusement in Spain, she acknowledges they are so passionately loved by her people, that she does not venture to prohibit them. Her personal opinion and feelings, however, probably produced little effect at the time, and were certainly soon forgotten. Her grandson, the Emperor Charles the Fifth, as old Sandoval relates with pedantic minuteness in his history, killed a bull with his own hand in fair battle, at the games given in Valladolid, in honor of the birth of Philip the Second. Philip the Second, we believe, sometimes relaxed from his gloomy severities to join in them; Philip the Third certainly did; and Pizarro, the bloody conqueror of South America, was the most famous bull fighter of his time.

From the remotest period, too, the bull fights had been made a part of the great religious ceremonies and festivals of the country; and in the general splendor of all exhibitions in Spain, during the seventeenth century, they maintain their relative importance. At the great public and popular rejoicings, held on the canonization of San Isidro of Madrid, San Ignacio,

San Xavier, and Santa Teresa, we are told that above three hundred bulls were killed, but these seem to have been the last exhibitions held in the capital, with such pomp and prodigality. Soon afterwards, the Bourbon dynasty came upon the Spanish throne, and brought manners and feelings, on such points, different from those of the Austrian family, which had preceded it. Under this new administration of Spain, therefore, the spirit of the arena for a long time declined, and the art of bull fighting seemed to be gradually passing out of the list of chivalrous accomplishments. Still, in 1725, there was a Count Pinto, who was distinguished in them; in 1750–55 a gentleman attached to the Court, and grandfather of Moratin, the admirable comic writer, now alive, used to play as an amateur; and in 1818, Don Pedro Romero, a person of family and consequence, repeatedly appeared in the arena of Madrid, from mere passion for the amusement.

In Andalusia, the nobility have private bull fights at their country seats, in which they take part themselves; and in the city of Seville there was, seven years ago, a Viscount Miranda, the head of an old and rich family, who used to be seen in the streets daily in the dress of a bull fighter, and who, in the amphitheatre, if the animal proved uncommonly brave, was often tumultuously called for by the populace, and always obeyed.

As a general remark, however, the bull fights rather struggled for their existence in Spain, during the latter half of the last century. Charles the Third, the wisest of the Bourbon dynasty, forbade them altogether; Charles the Fourth, the weakest of his race, restored them; but vexed at a personal insult, offered to him in the arena, forbade them anew in 1805; Joseph Bonaparte reestablished them among other expedients to obtain popular favor; and the Cortes continued them for the same reason. On the return of Ferdinand in 1814, it was contemplated again to abolish them; but the people were found so passionately attached to them, that it was considered most prudent to let them go on; and within a few years, this passion has so completely possessed the whole royal family, that the king and the infantas, not content with the public exhibition, which they never miss, and most munificently support, have begun to have private lenten entertainments of bull fights, at which noblemen enter the lists; so that they

seem now to be more firmly established and in greater favor, than they have been since the extinction of the Austrian family. *Redeunt Saturnia regna.*

The bull fights probably had their origin in the habit of hunting the animal wild. Afterwards, we find they were practised outside of the cities, where the bulls, previously caught and partially prepared and exasperated, were let loose into the open plains. John the Second, 1407—1454, the first patron of letters, who ever sat on the throne of Castile, was also the first that brought bull fights within the walls of the cities, and established them in the public squares, where the animals were easily confined within a small space, and could be conveniently and safely seen by a greater number of persons. Philip the Third, in 1619, first opened them in the Plaza Mayor, or great square of Madrid, which he arranged expressly for this purpose. Hence we read continually in the old ballads and chronicles, that the knight came under the balcony of his mistress, and received a scarf, a token, or a smile, for the spectators were placed in the balconies and windows of the houses round the squares, upon stages and scaffoldings, and on the roofs and chimneys; and the bull was kept in by a line of lancers, who filled all the openings into the square, and presented their pikes to him whenever he approached them. The one, on whose lance he ran, received him as a reward for not blenching; but the bull rarely had courage to attempt so formidable an array, though he sometimes ventured with success, for there is a grave sonnet of Lope de Vega addressed to a bull, that broke the German guard and escaped.

All this, however, was ill arranged, awkward, and dangerous; few could see the spectacle well; and accidents occurred very often. At last, therefore, in 1684, a regular amphitheatre, in the Roman form, was built for the city of Madrid, capable of containing fourteen thousand persons, and others were soon afterwards built in other parts of Spain; but still these amphitheatres are everywhere called Plazas de Toros, as much as if the festival were still held in the public squares. The one at Madrid, it is curious enough to know, stands on the very spot, where the Inquisition before had its *Brasero* to burn Jews and heretics, so that its arena, like that of the Colosœum, covers the ashes of many a martyr and confessor. In this amphi-

theatre, which is outside the gate of Alcala, the bull fights have been held ever since, except at great royal festivals, when it is thought more becoming the magnificence of the occasion to return to the great public square.

They take place only in summer, and during the season when the heat is not extreme, though certainly when, in Madrid, it is excessive, for they are omitted only during August and a small part of July and September. They happen always on Monday, and are given both morning and afternoon; in the morning with six, and in the afternoon with eight bulls; but each part of the day, if the royal family be present, which now rarely fails, the people demand an extra victim, and it is uniformly granted.

Great preparations are made long beforehand. Fine bulls are collected from all parts of the kingdom, and pastured a few miles from Madrid; the best and fiercest coming from La Mancha, Navarre, and Andalusia. Two days before the festival they are driven in, to the great dismay of any person who may chance to be on the road, for they do not always treat those they meet as civilly as they did Don Quixote near Saragossa. On their arrival, they are shut up in a pasture near the amphitheatre, and on Sunday evening vast crowds of the common people go out to see them, as if it were a great show, and amuse themselves in speculating, with much shrewdness and humor, on the different degrees of courage and skill the different victims will exhibit in the arena.

At length the long desired day arrives, and, for all purposes of business, Madrid is like a protestant Sunday. The whole city throngs to the circus, or at least the whole of that floating population, which gives life to the streets and shops. Fourteen thousand can obtain admission, but many more remain waiting on the outside, merely to hear and repeat the shouts and stories that come from within. The amphitheatre itself is built of wood, but almost precisely like the Roman, except that, round its top is a row of covered boxes, in which the principal persons sit, instead of sitting below, near what was anciently called the *podium*. Those who have fixed places, are admitted in the same way they were admitted at the Colosœum, by a ticket indicating the door where they are to enter, and the bench on which their seat is reserved; but those who have no

fixed places, that is, the poorer classes, go very early, at six or seven o'clock in the morning, to contend for the best to which they obtain access.

In going down the broad and magnificent street of Alcala, which is generally empty and silent, till the hour for the Prado arrives, it is found, even at eight or nine o'clock in the morning filled with a noisy crowd of grandees in their awkward clumsy coaches; of the middling classes in rattling heavy cabriolets, and calesinas, and the poorer inhabitants on foot jostling one another in their haste to obtain an early admittance. The crowd continually thickens, until, round the amphitheatre, it often becomes a press. The passages and galleries are dark and inconvenient; a stranger feels almost discouraged in passing through them; but when his disappointment is greatest, in an instant, he emerges into the inner circle of the amphitheatre. The show, that is then so suddenly opened upon him, is beautiful and imposing beyond all names of beauty and grandeur; for what is there so splendid and so animating as a vast multitude in a picturesque costume, gracefully disposed; and what is there so graceful in its disposition as this very same form of the amphitheatre, with one row rising gradually above another; not bringing with it ideas of emptiness and desolation, like the ruins of Verona or Capua, but thronged in every part with an eager, impatient population, animated through all its ranks by one thought, one feeling, one burning passion?

The clock strikes ten, and, punctual to an instant, because the people, which truly feels the power of a people today, as it did in the spectacles and games of Constantinople, long after such free feeling was elsewhere entirely subdued,—punctual to an instant, the Corregidor, who is the chief police officer of the city, enters on a superb horse, richly caparisoned, but himself dressed in a suit of plain black velvet, and followed by four officers of justice; and making his way through the crowd that still fills the arena, advances respectfully to the royal box and stops beneath it. There the royal permission to celebrate the festival is solemnly given, by throwing down to him a key to open the enclosure containing the victims, after which he rides slowly round the amphitheatre, to drive out the multitude, stopping before each of its four entrances, which he causes to be closed and fastened, and going out at the last himself.

Five alguazils now come in on foot to see if all be quiet, and examine the whole arena; but as they are the lowest officers of justice, and its executioners, the populace usually begins the exercise of its prerogatives for that day, by hissing and hooting them out. When they are gone, two of the gates of the arena are opened, and a number of bulls are driven across and out again, that all may see before hand how fitly the games have been furnished. But from this moment the barbarities of the festival commence, for as soon as these devoted animals arrive in the stalls where they are kept, an iron barb, or spike, with a ribbon attached to it, whose color indicates the province from which its bearer comes, is driven in between the shoulders of each bull; and it may serve as an indication of the state of manners at court, to know, that the wife of the Infante Don Carlos has often boasted, that she sometimes amused herself with driving in those very irons, whose chief object is to exasperate the victim by the torments they inflict.

In the meantime, while measures are taking to excite the bulls to the necessary degrees of ferocity, which is plainly enough announced to the eager crowd without, by their enraged bellowings, the Corregidor comes in leading two of the Picadors, or those who fight on horseback, and places them on each side of the gate by which the bulls must enter. These Picadors, it should be noted, like all who mingle in the games, first confess themselves, in a chapel built and consecrated for the purpose in the grounds of the amphitheatre, where the sacred tapers are kept constantly burning, and a priest and the host constantly ready to administer the sacrament, and extreme unction, to any who may be mortally wounded,—a practice singularly characteristic of that union of gross superstition with vulgar guilt and brutality, which is often found among the banditti and smugglers of Spain, and of which very striking descriptions are given in many works of Spanish fiction; but especially in the tale of the Jealous Estremadurian, by Cervantes.

But to return to the games; the Corregidor, after having placed the two men on horseback at their posts, gallops out; but returns in an instant afterwards with a key, which he gives to the keeper of the gate by which the bull must enter, with permission to open it; and then hastens out again for the

last time, humbly saluting the royal box, in sign of having fulfilled all his duties. Thus far, the splendor of the ceremonies, the animation of the crowd, composed more than half of women in their picturesque national costume, and the grand effect of a compact mass of fourteen thousand people, the whole of which can be taken in at one single glance, make the bull fights, probably, the most exciting and imposing spectacle of modern times.

The festival, as it is called, now begins in earnest. A signal is given from the royal box; a flourish of trumpets instantly follows, accompanied by the shouts of the whole multitude within and without the amphitheatre; the doors of the den, where the bull is confined, spring open, and he bounds into the arena, goaded to fury by the iron driven in between his shoulders. Sometimes he makes an instant and furious attack on one of the Picadors; sometimes he hesitates a moment, startled at the shouts of the crowd; and sometimes he pauses in the centre with an air of coolness and dignity, as if he were not insensible to the ignominy of his persecution. The two Picadors* begin the attack. Like all who fight in the games, they are very fancifully and very richly dressed in the ancient Andalusian costume, which is partly of Arabic origin, and displays their fine persons to great advantage. It may in some respects be called a splendid dress, and the people are greatly offended at the smallest want of exactness or show, in this ancient national costume, to which they are greatly attached; and to which, indeed, they associate some of the fondest recollections of their earlier greatness.

These Picadors are always mounted on horseback, with peculiar saddles, resembling the Mameluke saddles, and with stirrups that cover nearly the whole foot; but, except a very imperfect protection for their legs, their whole persons are exposed, and they have nothing to defend themselves but a long pole called a *garrocha*, at whose extremity a sharp spear point is fixed; but so guarded, that it cannot enter above an inch and a quarter. One Picador only can maintain the contest at a time, and the bull must attack *him*, and not *he* the bull, or else, as in

* It is somewhat curious, that Centaur and Picador should have substantially the same meaning; since Centaur is derived from κεντειν ταυρους.

all other cases of the combat, very great risk is run. The Picador endeavors, therefore, to place himself in front of the victim, but a little to the left hand; and the moment the bull sees him in a threatening position, he stoops his head for a blow, shuts his eyes instinctively, and runs in full career at his adversary. The horseman, at the same moment, advances to meet him; turns his horse, by a slight motion of the bridle hand, to the left, in order to receive the attack on his own right; and then endeavors to strike the bull about the shoulder, where, if the blow takes good effect, it is sufficient to push him quite off to the right, and wound him so severely as to make it almost impossible he should still urge his attack. If all this succeeds, as it generally does, the Picador puts spurs to his horse, gallops triumphantly to the opposite side of the arena, and then returns to meet another assault. If, however, the blow is ill struck, or if the bull has the courage still to press on, he comes of course within the spear point of his enemy, who being now without defence, his horse must inevitably be wounded or killed on the spot. This is necessarily a moment of great apparent danger; for the rider falls, of course, with his horse, and for an instant is at the mercy of the enraged animal he has so cruelly provoked. Accidents, however, as they are called, are commonly prevented in this, as in all cases during the combat, by a simple but very ingenious contrivance. In the arena and in a passage or space that runs quite round it, and is separated from it by a barrier about five feet high, are stationed, perhaps, a dozen men on foot, with large pieces of cloth, several yards long, generally scarlet or blue, and called *capas*, because they were originally the *cloaks* of the combatants. Two or three of these persons, the instant there is any danger to the Picador, hasten towards the contest completely unarmed, and even come quite near the bull, and play and shake these cloaks before his eyes. He, at once, leaves his object, however great may be his fury, and from an instinct of his nature, follows the color that has dazzled him. The person who carries the cloak he pursues, lets it fall, and the bull generally stops and tears it with his feet and horns; but if he advances, the dexterous individual who has deluded him and drawn him away, springs over the barrier into the pas-

sage way, and is safe. Sometimes, indeed, the exasperated animal is of force sufficient to leap this barrier, and pursue his enemy into the space immediately below the lowest row of the spectators. A bull of great power and ferocity has been known to do this repeatedly. But there is no danger from it, for those who are in the passage have merely to spring back into the arena, where their enemy can follow them only by one of the regular gates, through which he is, indeed, immediately driven back again to the contest, amidst the shouts of the spectators, who thus honor his rare courage, as if he were sensible to their applause.

A bull of good spirit will continue to attack the Picadors, until he has received ten, and sometimes fifteen blows of the lance, dexterously bestowed; but, by that time, he finds the contest is more unequal than he at first supposed; his spirits fail, and he stands at bay in the centre, perfectly secure, since the attack must always come from himself, as it is then only, he so stoops his head and closes his eyes, as to give his adversaries the necessary advantage in the contest. This part of the fight, however, is more distressing and loathsome than any other, from the horrid sights of cold blooded cruelty it necessarily offers On this point, indeed the bull fights are worse than the shows of the gladiators; for in the Roman amphitheatre, courage and success saved the victim, but here, no courage, no coolness, no address, can save him, since it is the very principle of the contest, that the bulls should be the most bold and ferocious in the kingdom, and its very entertainment, that when these exasperated animals have defended themselves with a perfect bravery, and killed a large number of unresisting horses, they too should be sacrificed. A single bull has been known to kill four horses in ten minutes. But this is not the worst; for such is their barbarous economy in the lives of these unfortunate animals, that horses are constantly spurred on to sustain another attack, when large portions of their flesh have been torn out; while others, who have been so ripped open by the horns of the bull, that their viscera are seen hanging down, and literally and visibly marking the area with blood every step they advance, are yet compelled to go on, until they sink down in the agonies and convulsions of death. And these, it should be remem-

bered, are both of them ordinary circumstances in the exhibition, and constitute no small portion of its excitement.

At last, then, the wearied victim stands at bay in the centre; and when it is seen that he will no longer be provoked, by gesture or menace, to attack the Picador, the people express their indignation in loud murmurs, if he has yielded too soon, or applaud him with shouts, that may be heard for miles, if he has continued the fight long and obstinately. Formerly there were three punishments for a bull, who showed that he wanted the proper ferocity so early in his trial; to hamstring him, to give him over to the dogs, and to put squibs and crackers on his back. The first, which was a kind of ignominious death, is no longer used; the second, which is extremely cruel, especially to the dogs, is of rare occurrence; but the last, whose purpose is to exasperate the animal's fury, is not very uncommon, though permitted only when the multitude will not otherwise be appeased. The cry for fire, or for the dogs, is one of the most appalling shouts of the amphitheatre, and is uttered in tones peculiarly sharp and savage.

When it is certain the bull will no longer turn on the horsemen, a signal is given from the royal box; the trumpets sound again; and five or six men called *Banderilleros*, all on foot, and all as fancifully and richly dressed as their predecessors, advance into the arena, armed only with two sticks about eighteen inches long, called *Banderillas*, or little flags, because they are gaudily decorated with ribbons and painted paper. Their extremities end in very sharp barbs, and every Banderillero carries one of them in each hand. A single individual thus armed, now goes in a provoking manner towards the bull, who seeing but one enemy, and that one so feeble, rushes furiously upon him; but, at the instant he stoops his head and shuts his eyes to strike, his cool and dexterous adversary plunges these barbed points into his neck, and he inevitably shrinks from the suffering they produce. His rage now knows no bounds, for his agony has become intolerable. The blood from his wounds runs down his sides, the foam falls at every breath from his nostrils, he utters piercing cries, tears up the sand, and attacks whatever he sees, from the undistinguishing fury produced

by the acuteness of his torments. The prodigious dexterity of his adversaries, however, trifles alike with his strength and his rage; and every attack he makes on them, only leaves two more of these insupportable torments in his flesh. By the time, however, that six or eight have been left hanging by their barbs from his neck, he is no longer in a condition to receive any more; and exhausted, breathless, and almost deprived of the power of resistance, he stands again at bay in the centre.

Again the trumpets sound, and the third and last form of the fight is begun. The *Matador* (killer) comes slowly into the arena, dressed in a superb suit of black velvet, and holding only a naked sword in one hand, and a small scarlet flag in the other. He presents himself beneath the royal box, and kneeling there, receives an order to finish the sufferings of the noble animal, whose force and courage have been of so little avail to defend him. When the Matador has received this order, he turns instantly but with great calmness towards the bull, who, again deceived by the apparent weakness of his adversary, and inexpressibly irritated by the scarlet color, which, to the last, retains its power to rouse his ferocity, collects all his strength for one desperate effort of revenge; but misled by his very instinct, his attack falls upon the flag, and not the Matador; his horns pass inevitably within a hair's breadth of the life of his adversary, who, confident in his own skill, at that very instant turns slightly on one foot, levels his sword at the juncture of the neck and shoulder blade in front, and holds it firmly till the fury of the bull has driven him full upon it, and left it to the hilt in his body, when he falls, amidst the exulting shouts of the amphitheatre; but almost always so slowly and so nobly, that it seems as if, like Pliny's Roman Gladiator, he were determined to die with composure and dignity.

As soon as the bull is dead, three mules harnessed abreast, superbly decorated with rich caparisons, and with a flag mounted on the collar of each, are brought into the arena, and a rope attached to the bull's horns, by which they drag him out at a full gallop, accompanied by a grand flourish of trumpets and another shout of the people. Regular shambles are very near, where the carcass is immediately cut up by public butchers, and the meat sold at a low rate to the inferior classes,

while, in the meantime, the great den of the amphitheatre is again thrown open, and another victim is contending vainly for life, with the same adversaries, and amidst the same ceremonies and horrors.

This is the amusement of the king, the court, and a large portion of the people of Madrid, from ten o'clock till one, and from three till seven, during the season when it is possible to enjoy it in the open air. The passion, with which it is sought, is almost inconceivable, and would be considered a new phenomenon in human nature, if we had not the histories of the games of Rome and Constantinople before us. It begins with the earliest years of the people of Spain, and is as thoroughly inbred as education can make it. Children, not more than five or six years old, may be seen everywhere in the streets imitating bull fights, in the mockery which Gongora has described with such happy simplicity, in one of his most beautiful ballads. Afterwards, they are every day seeing the representations of them, with which the walls of their houses are often painted, and hearing them the subject of continual conversation and universal interest; so that boys, not fourteen years old, may be found in the amphitheatre, who have already acquired all the the pretensions and pedantry of hardened amateurs.

Nor is this love for the amusement confined to one class, or one division of society. Monday is a holiday in Madrid for all ages and ranks; and not only for those who go to the amphitheatre, but for those who stay at home. The shops are shut; the journeymen and apprentices claim it from their masters as a day of amusement; and the mechanics and lower classes refuse to work at almost any price; while, on the other hand, in the public offices, from the prime minister to the humblest drudge in the customs, whatever may be asked for, no answer will be returned, but the universal and all prevailing apology of the bull fights. Nothing, indeed, can prevent the multitude from going, if they have the means; not even the intense heat, which almost brings life itself to a pause in Madrid; and if they cannot get seats on the shady side, they will sit in the sun during one of the burning noons of July or September, and do it so heedlessly, that, a few years ago, the first bull fight given after the dog days, sent a crowd of patients to the hospital, thirtyeight

of whom died almost immediately of fevers thus caught in the amphitheatre.

But the moral effects of the bull fights are more fatal yet. The extreme interest the common people take, in whatever relates to them, rises afterwards, at every moment of excitement, to passion and guilt. Quarrels grow up about a favorite Picador or Banderillero, that are never appeased; the details of one of these shows become the occasion of family bitterness for life; they are among the causes of the frequent assassinations in Madrid; and, in 1818, a man stabbed his own brother in open day, in one of the most public streets of the city, so that he fell instantly dead, in consequence of a difference that had thus arisen in the amphitheatre in the morning.

These are certainly very extraordinary facts, well enough known in Spain, but little known anywhere else; such as cannot be recollected by those strangers, who have witnessed them, without horror, nor be read by others without astonishment, and perhaps incredulity. It must be curious, then, to inquire for a moment, what there is in the bull fights, of power thus to excite and inflame the passions of a whole people; and thus to take, for a time, from such vast multitudes, some of the highest and best attributes of our nature. In the first place, there is the animation of the crowd, divided into parties, that take sides with the bulls according to the provinces from which they come, as indicated by the ribbons on their necks; and continually excited and exciting; continually passing from one strong emotion to its opposite; now murmuring at a Picador, because his blow was not well struck; now crying out to have fire put upon the bull's back to exasperate his failing rage; and now waving their hats, and handkerchiefs, and fans, and shouting *bravo*, till the heavens seem to echo it again, because, goaded to desperation, he has left his eighth horse dead in the arena.* Now, setting aside the cruelty of all this, as those who are accustomed to it really do, and recollecting and seeing only the immense population so gracefully arranged round the amphitheatre, and constantly bursting forth with such varied and passionate feeling, it is not easy to imagine a spectacle more

* No bull is allowed to kill more than eight horses. When he has done this, he is given over to the Banderilleros and the Matador, as one not to be subdued by the *garrocha*.

splendid and magnificent. Indeed, it is certainly true, that the power of human sympathy will not suffer any man entirely to resist it.

It is curious and interesting too, under a despotism like the Spanish, to see the people, when, from their union in a great mass, they for a moment feel their own strength, and from their excitement are disposed to use it; when, in fact, they feel themselves to be what they are, and become free in consequence of it. Royalty is little respected on Mondays in Madrid; and, therefore, whatever the people persist in demanding at the amphitheatre is granted to them, to avoid disagreeable consequences. The entire freedom the populace take to themselves, on these occasions, and which seems to constitute not a little of their excitement, is often very remarkable, and, under other circumstances, would be found offensive and dangerous. In one instance, when a particularly brave and collected bull had cleared the arena of his adversaries, a number of young men, in the king's presence, shouted repeatedly, that 'he was fit to be president of the Cortes;' and of another, who shrunk from the contest after receiving only two blows of the Picador, apparently the same persons kept crying out, amidst the general expressions of disappointment and rage, that 'he ran away from danger like a king.' In a third instance, on the same day, a bull was very difficult to kill from his great coolness; so that, at last, he had two swords in his neck, neither of which had inflicted a mortal wound. A young man, in the throng, amused himself with clapping his hands and crying out, as if much pleased with his own wit, that he 'looked like a *Mater dolorosa*,' alluding to the image, so common in Catholic countries, of the Virgin with several swords in her bosom.* Now, under so severe a government of the church, as exists in Spain, and under a tyranny so timid and cruel, nothing could well be more obnoxious, than such compliments to republicanism, such ribaldry against royalty, and such blasphemy in a matter of religion; and if these same phrases had been shouted in the same manner, in any other mob, there can be little doubt, the imprudent individual would have been safely lodged in the

* This fancy is founded on a whimsically literal interpretation of a text in the second chapter of Luke.

Inquisition within twentyfour hours afterwards. The bull fights at Madrid are, indeed, an apology and warrant for all sorts of licentiousness in language, just as the games were at Constantinople, when the factions in the circus divided the state; and, what would perhaps be no less curious, the Spanish amphitheatre might now furnish, as the Roman once did, an anthology of popular wit, which would no doubt be vulgar enough, but would hardly fail to be very characteristic and amusing.

Another source of pleasure, and the chief source of the strong emotions excited at the bull fights, is, the great *apparent* danger overcome by still greater dexterity. There is some real danger. Few bull fighters, who persevere in the occupation, and especially very few who rise to be Matadors, die out of the arena; but still many of them live to a tolerable old age. Hardly one a year is killed at Madrid, and not more than two or three wounded; but, yet, there is no absolute safety in any degree of skill, for Illo, the most accomplished bull fighter Spain has produced for fifty years, perished like the rest from a bull, that was as cool as himself. But though the danger may be really small, it *seems* every moment, to one little practised in such things, imminent and inevitable. Thus, for instance, when the bull bursts into the arena, and rushes on the Picador, and horse and rider are alike overthrown in an instant, there seems to be no hope of escape, and even when the Picador has been saved by the delusion of the mantle, it seems only as if the victim were changed, but not as if the horrid sacrifice were to be spared. Then, again, when the Banderillero, armed only with the barbs, advances alone into the arena, and defies the bull, who instantly rushes upon him in full career, so near do his horns necessarily come, before he feels the points that turn him aside, that it often seems as if they had actually entered the bosom of his adversary. And, finally, when the Matador comes out with a single naked sword for his only defence, he seems to offer himself up to the ungoverned ferocity of his exasperated foe, who yet in an instant falls dead at his feet. Now in all these cases, there is such an obvious disproportion between the force of the bull and that of his adversaries; there is such a striking victory, obtained by dexterity and self possession, over mere physical strength, that, though one unaccustomed to such exhibitions might turn pale

with horror, as Hobhouse says Lord Byron did, or faint as many others have done, yet to a regular frequenter of the amphitheatre, who fears no danger, and is hardened to the cruelty, it is a scene of unbroken delight and exultation.

But, after all, we must come to the natural question, what are these pleasures compared with their consequences? What is the imposing grandeur of such a vast and excited crowd; the splendor of such picturesque ceremonies; these bold and striking outbreaks of the popular character; and this astonishing exhibition of the triumph of human dexterity over brute force and instinct, compared with the wanton and useless slaughter of so many noble and generous animals; the scenes of loathsome cruelty, which the arena every moment offers; the violent passions it excites; the guilty hardness it carries into the heart and character; and the portentous education it contributes to give to the rising generation, and the rude populace of a great capital like Madrid?

Art. IV.—1. *The Refugee; a Romance.* By Captain Matthew Murgatroyd. 2 vols. 12mo. New York. Wilder & Campbell, 1825.

2. *Hobomok, a Tale of Early Times.* By an American. pp. 188. Boston, Cummings, Hilliard & Co, 1824.

3. *Peep at the Pilgrims, in* 1636. *A Tale of Olden Times.* By the Author of 'Divers Unfinished Manuscripts, &c.' 2 vols. 12mo. Boston, Wells & Lilly, 1824.

4. *The Witch of New England; a Romance.* Philadelphia, Carey & Lea, 1824.

5. *Saratoga, a Tale of the Revolution.* 2 vols. 12mo. Boston, Cummings, Hilliard & Co, 1824.

6. *Adsonville, or Marrying Out; a Narrative Tale.* 12mo. pp. 285. Albany, S. Shaw.

7. *A Winter in Washington; or Memoirs of the Seymour Family.* 2 vols. 12mo. New York, Bliss & White, 1824.

8. *Tales of an American Landlord; containing Sketches of Life south of the Potomac.* 2 vols. 12mo, New York. N. B. Gilley, 1825.

9. *O'Halloran, or the Insurgent Chief; an Irish Historical Tale of* 1798. By the Author of 'The Wilderness.' 2 vols. 12mo. Philadelphia, Carey & Lea, 1824.

10. *Goslington Shadow; a Romance of the Nineteenth Century.* By MUNGO COULTERSHOGGLE, Esq. 2 vols. 12mo. New York, 1825.

WE remember the time, when an American novel was a single, diminutive volume, sent out with no attractions, either of type or paper, and with but one quality likely to recommend it to the notice of the reading part of the community, and that was cheapness. We should rather say, perhaps, lowness of price, for that could scarcely be called cheap, in the common acceptation of the term, which, considering its real value, would have been dear at almost any rate; and so indeed the public seemed to believe, for the experiment of authorship was seldom made, and still less often repeated. The records of the trade, for a series of a dozen years, would probably be searched in vain for the advertisements of as many novels. Times are now changed, when the retrospect of a single year affords us the decade of indigenous works of this sort, whose titles stand at the head of this article, all fairly printed and done up, as the advertisements have it, in neat boards, all, with two exceptions, having the proper number of volumes, which the present state of taste and fashion has limited to two, and all, we have reason to believe, if we may once more be allowed to borrow a phrase of the trade, enjoying the patronage of a liberal public.

Of the causes which have operated in producing this change, the principal, indeed, is time, which has brought with it an increase of population, wealth, leisure, and education, that has fostered this in common with every other branch of literature. But another, and one of considerable importance, is the appearance of certain foreign works of fancy, as the tales of Miss Edgeworth, but more particularly those literary phenomena the Scottish, or Waverley novels. These have had a powerful effect in increasing the demand for works of a similar character. They have served to bring the practice of novel reading into better favor with the graver part of the community, and to take off many restrictions, which were formerly in force against this amusement. The extraordinary success of the works

above mentioned has provided for the supply, while it increased the demand, by stimulating the efforts of hosts of imitators in their own country, and of some in ours. When we consider the rapidity of production, not only in the case of the master, but also in that of many of his followers, as well as the number and variety of the latter, it is a natural remark, that works of this sort are easily written, and that the Great Unknown deserves the reputation of good fortune, as well as of merit, in having hit upon a vein, which is so easily and profitably elaborated.

Whether this be the case, is a question to be solved by an examination of the particular characteristics of the works of the new school, and such an examination we propose to make, as briefly as the nature of the subject will admit. We assure our readers, in the meantime, that we do not intend, as the manner of some is, to use the title of this article, as a mere cover for a critique on these works, and make it an occasion of showing our own exquisite relish of them, and our ability to render a reason for it. We intend a *bona fide* review of certain American novels, acknowledged copies of a particular pattern, and we think it expedient first to settle, in some measure, what are the peculiarities of that pattern.

The Waverley novels are for the most part historical. They are founded on events, and represent scenes and actors, with whom we were before acquainted. This character they have in common with many others. The Misses Porter, Madam de Genlis, and a host of others, not to mention the old romancers, have attempted in this way to call our associations in aid of their fictitious narratives. This method has its advantages. In the first place the writer has his story, or at least a part of it, ready made to his hand. The outlines of his picture are sketched, and he has only to fill up the intervals, and add the lights and shadows. Moreover, a step is taken towards producing a vivid impression, in the mind of the reader, of the things and persons represented, the grand object both of the novel and the drama.

But this method has also its objections. When an author presents before us an Amanda, or a St Orville, whom we see for the first time, we regard them as we do a fancy picture. It is beautiful or it is not. It is only necessary that it be a likeness to a human being, and if the artist does

not actually put wings to its shoulders, it may be allowed to pass for such. But when he places before us a Bruce, or a Bayard, Mary of Scotland, Cœur de Lion, or Washington, he must do something more; he is painting from what we have seen and known, and it is not sufficient, that he has made a striking picture, it must be a likeness. If he succeeds, his work is the more valuable, if not, the greater is the failure. A picture of a friend may be valuable to a stranger, from the beauty of its execution, to us it has no value without resemblance.

On the whole we believe, that the advantages of this method more than counterbalance the difficulties attending it; that it is easier to embellish a story, than to invent one, and less difficult to hit off an indifferent likeness of a real being, than to make an exquisite picture of an imaginary one.

The Scottish novels are, in the next place, topographic. The descriptions are taken from real scenery, rather than from arbitrary combinations of fancy. This is a striking peculiarity of these works, and attended with many advantages to the writer. It affords great facilities for the multiplication of novels. The variety and beauty of natural objects are endless, and the author is thus provided with an apparatus, which serves to supply deficiencies of various kinds. A poor play is helped off by new scenery and elegant decorations; and a story may be made agreeable, when set off by beautiful descriptions of picturesque realities, which would have been hopeless in the hands of a novelist of the last generation, with no better properties, than an old castle, a cave, a forest, a few green fields, and a drawing room. The whole Waverley school have owed much of their success to this peculiarity.

Again, in the works of this school, the dialogue bears a large proportion to the incident. The authors, having once

> 'placed their persons before ye,
> Ungallantly leave them to tell their own story.'

They are essentially dramatic, and transitions from place to place, and from action to action, are made rapidly, and, as it were, between the acts. The writer's aim is to keep himself out of sight, or to appear only like the ancient chorus, to connect the parts of his story. The descriptions are frequently put into the mouths of the actors, and the circumstances of an

action described, as they appeared to a bystander. Again, the personages are drawn from models that exist in nature. The men are men, and the women are women, compounds of wisdom and folly, virtue and vice, beauty and deformity, 'warmed and cooled by the same summer and winter' as ourselves, and actuated by as great a variety of passions. But the heroes and heroines of the old school were as monstrous, as the genii and fairies of earlier times, and the stories were usually devoted to the developement of the single affection of love. To those, who were under the influence of the tender passion, these narratives were singularly grateful. But to those, who had never experienced, or had recovered from this 'madness,' that is to say, to the majority of mankind, they possessed less interest. The novelist of the present day has a wider field, and it is hard if, from the variety of character and motive, which history and observation can suggest, he cannot find something in accordance with the sympathies of every reader.

But the actors in these works have not only a human, but a national, and often a provincial character. This, especially as exemplified in modes of speech, may be either an advantage or a disadvantage, though it is commonly the former. Thus, when the author of the Scottish novels makes his persons speak in their native dialect, he touches a string, which has often vibrated before. The Doric charms of the 'lowland tongue' appeal to our associations with Ramsay and Burns, and the national songs, and sweeter national music of Scotland. The subject of manners and customs is, moreover, one of general interest, and as an adherence to these serves to give individuality to the characters in these narratives, it is so far an improvement on the practice of the older novels, and advantageous to the writer. With respect to a certain, though a small number of readers, it is rather a disadvantage; we mean those, if any there happen to be, who are near the place and time of the supposed action. As a man can never be a hero to his valet, so his own house, his own city, or his own time, can scarcely be made to appear picturesque or romantic to himself. He has been behind the scenes, and beheld the ropes and the pulleys, he has drummed upon the thunder, and rattled the barrel of hail with his own hands, till imagination is fettered by fact. For this reason, we may observe, *en passant*,

an American novel will, where other things are equal, be more interesting to the English public, and the reverse.

In these various ways a new and fertile field has been opened to the modern novelist, in which equal labor will produce far more than the exhausted soil, on which his predecessors toiled. As to the question, whether the novels of this class are easily written, we are inclined to decide in the affirmative; or, to express ourselves more definitely, since ease and difficulty can be appreciated only by comparison, we doubt not that, other things being equal, it is an easier task to write a Waverley novel, which shall be tolerably interesting, than one after the older fashion.

If the opinion, that mediocrity in this pursuit is easily attainable, be well founded, it would seem to follow, that works of this kind will become exceedingly numerous, and that a large proportion of them will have a considerable circulation, and consequent influence upon the public opinion, taste, and morals. It follows, further, that it is the duty of reviewers to exercise a strict *surveillance* over this department of literature, to be careful in pointing out the merits or demerits of individual authors, as far as practicable, and prompt to oppose pernicious influences, and endeavor to give a beneficial direction to a force, that they cannot resist if they would.

Before leaving the general consideration of the novels of the Unknown, we may observe, that the ease and beauty of their style, and the numerous and happy allusions, with which they abound, have had a powerful influence in establishing their popularity. This excellence it is not easy to imitate. It requires a union of talents, practice, and learning, which is not commonly met with, and in this particular, the failure of his imitators has been very remarkable. It is to be regretted, that he has occasionally been guilty of a carelessness of composition, and an introduction of obsolete, or foreign words and idioms, which are more attainable, and more likely to be copied by his followers; as the vices, or eccentricities, of a great man, are more easily and generally imitated than his virtues.

We come now to the examination of the novels before us. The first on our list is the *Refugee*, by Captain Matthew Murgatroyd. One is apt to form some opinion of a work from its

title page, and we believe there is generally good ground for such a practice. In this particular instance we were somewhat prejudiced by the title. It indicated effort, and struck us like 'a great reckoning in a little room.' We could not help anticipating the entrance of the author upon stilts, and this impression was abundantly verified. The work is prefaced by an introductory correspondence, in which he labors to be witty with all his might. It is hardly necessary to say, that his labor is in vain. The time of action is the commencement of the revolutionary war. The hero, Gilbert Greaves, is the descendant of a Welsh family, whose history is given in the beginning, at a greater length than was necessary. His father, who had for many years resided on the banks of the Hudson, repairs to New York for the purpose of joining the royal forces, on the breaking out of the troubles. Gilbert follows him, soon after the news of the battle of Bunker Hill, and arrives at Staten Island just before the battle on Long Island. A singular anachronism, by the way, as the latter happened more than fourteen months after the former. Greaves is present at the action, and of course behaves heroically. He remains with the army in New York a few days; becomes disgusted with the royal camp; falls in love with a Miss Keith; rescues her from the insolence of the commander in chief; goes over to the American army; is taken prisoner again at the battle of White Plains; condemned to death by a British court martial, at which his father plays the Roman; and brought out for execution, from which he is rescued by the arrival of Sir Henry Clinton; marries Miss Keith, and returns to England.

Considered in its relation to history, this is a very exceptionable performance. It abounds with petty anachronisms, calculated to impair the versimilitude of the story. On one occasion the hero, in 1776, thinks of the sufferings of Captain James Riley; on another, a barber is made to speak of the conduct of General Gates at Saratoga, about a year before the circumstance. In the second volume, Washington sneers at the behaviour of General Heath, at the 'retreat from White Plains.' What retreat was this? The speech purports to be made, while the army was encamped at the very spot, after their retreat from New York, and before the battle,

which was followed by the retreat from it. Again, on the occasion of the rescue of Greaves, there is a most inextricable confusion of times and persons. Sir William Howe we suppose to be represented by the character of Arleston, the commander in chief at New York. Greaves is rescued by the arrival of Sir Henry Clinton from England. But every one knows, that Sir Henry Clinton was already in New York; he had a command in the battle of Long Island, and again at Ripp's bay. Again, it is said, that 'Sir William turned his eye upon the *cidevant* general (Arleston) with a most terrific scowl.' Sir William who? And when did Sir Henry Clinton, or any other Sir, supersede General Howe in 1776? But perhaps Arleston is not Sir William Howe. Who is he then, or where was Howe, while Arleston was commander in chief on Staten Island, or in New York? Once more, Miss Keith, who is rescued two or three days before the battle of White Plains, sails for England, is taken by Paul Jones 'in the chops of the channel,' returns to America, is wrecked on Long Island, and arrives in New York, two days before that of Greaves's intended execution, which was not many days after his capture at the battle above mentioned. This implies a rate of travel, which has not been known since the days of Astolpho, or the Princess Scheherazade, and probably never will be again, till Mr Perkins's generator is in full operation.

In the delineation of character our author is not much more successful. His personages are exceedingly numerous, but have very little individuality. He endeavors, indeed, to make them speak for themselves, but their language and motions continually disclose the writer. They remind us of the figures in an indifferent puppet show, where Punch squeaks, and the Devil roars, in tones which are too evidently mere modifications of the same voice behind the curtain. Thus, he makes a British sergeant speak of the 'Magnus Apollo of the States,' and an American subaltern, in 1776, quote Spenser and the classics.

The style of the work is excessively bad. It is a labored parody of Scott's worst manner; we mean that, which he himself describes as 'the ambagitory,' or 'circumbendibus.' The author of the Refugee carries this to a ridiculous extreme. He is never content to express a simple circumstance

in plain language, but is always seeking for some roundabout, or tumid paraphrase. He is continually making sentences, and endeavoring to turn his miscellaneous reading, or store of anecdote to account. He seems determined, that the reader shall never lose sight of him, and it is not surprising, that his readers frequently forget both his story and his actors.

The interest is also divided by episodes and underplots, till it is nearly reduced to nothing. It is almost impossible to carry in one's mind the history and adventures of so many different persons, especially when these are neither remarkable in themselves, nor well related. We know not what, but a determination to make two volumes, could have induced this writer to give us an account of the action of the Bon Homme Richard, and the whole history of the life and adventures of Paul Jones, between the accounts of the trial and intended execution of his hero.

We noticed several unauthorised, or vulgar expressions, such as '*conclude* to omit,' '*bright* judgment,' 'noisy as sin,' 'men of extra *pluck*,' 'I *reckoned* the moment the most fortunate,' 'the tabby cat *recumbed*,' and the like. Among the colonial dependencies of Great Britain, are enumerated 'Bengal, St Helena, and the *Isle of Dogs*,' which last colony is not so many miles distant from the centre of London, as to be entirely out of reach of the sound of bow bells. Again, he observes of the thrushes and larks, that these 'merry grigs were early and late at their concerts.' To say that a bird is as merry as a grig is one thing, but to call it a grig, or eel, is another and a very different one. He might as well have called a whale a fish.

A book must be bad, indeed, that has no redeeming qualities. It cannot be denied, that the author's persevering struggles for wit are occasionally successful, that there is now and then a tolerable description, or a spirited dialogue; but these are rare, and it is very evident, that the writer has mistaken the admiration of good novels, for the power of writing them, and that his work evinces reading, rather than thought, observation, or accuracy.

Hobomok.—This is in many respects the very opposite of the Refugee. The matter is contained in one small volume, with an unpretending title, and an inoffensive introduction. The story is as follows. Mary Conant, the daughter of one

of the first settlers in Salem, or Naumkeak, is separated from her lover, a young Episcopalian, by his banishment from the territory, and departure for England. His death is reported soon after, and the shock occasioned by the information, and the severity of her father, who was of course bitterly opposed to the connexion, produces a temporary alienation of mind, during which she offers herself in marriage to Hobomok, a young Indian, who had long been devotedly attached to her. She is further influenced in this singular conduct, by a superstitious feeling, occasioned by a circumstance, which we have not space to detail. She recovers her health, and becomes the mother of an Indian boy. After the lapse of three years, her former lover reappears, Hobomok resigns his claim, flies from the country, and Mary is married to the Englishman.

There can be, we believe, but one opinion respecting this story; it is in very bad taste, to say the least, and leaves upon the mind a disagreeable impression. Still it should be remembered, in respect to its probability, that if our ancestors were more sternly virtuous, they were certainly without much of the delicacy and refinement of the present generation.

The characters in this novel, as well as in the one already noticed, are too numerous, and the interest is lessened by being divided among so many. But they are drawn, in most instances, with great discrimination, as well those which are borrowed from history, as those which are purely fictitious. The strange mixture of good sense, piety, fanaticism, and intolerance, which distinguished our puritan ancestors, varied in different individuals, by the different degrees of natural talent, or education, is displayed with great ingenuity and power. The death bed scenes of the Ladies, Mary Conant and Arabella Johnson, are described with feeling and pathos, and varied with considerable skill. We believe there are few American novels, from which we could present our readers with an extract more beautiful in its kind than the following.

'Mrs Conant too was fast drooping, and there seemed but a hair's breadth between her and the grave. It was interesting to observe the contrast between the two invalids. One, always weak and gentle, bended to the blast, and seemed to ask support from everything around her. The other, struggling against decay, seemed rather to give assistance, than to require it. Their husbands watched over them, with the tender solicitude of a mother over her sickening infant. Mr Conant, stern as he was,

felt that a sigh or a groan from the woman whom he had so long and sincerely loved, had power to stir up those deep recesses of feeling which had for years been sealed within his soul; and Mary's heart was ready to burst with keen and protracted anguish, when she saw death standing with suspended dart, taking slow, but certain aim, at two endeared victims. But medicine, anxiety, and kindness, were alike unavailing; and soon they both retired to the same apartment, and laid themselves down on the beds from which they were never more to rise. Their feeble hold upon life daily grew more precarious, till at length nothing could tempt their anxious husbands from the pillow. Neither of them had spoken much for several days, when on the 24th of August the faint voice of Mrs Conant was heard, as she whispered,

'"Roger—My dear Roger."

'In a moment he was at her side.

'"What would you say, Mary?" asked he.

'"There are many things I would have spoken," she replied; "but I fear I have not strength wherewith to utter them. If Brown comes back, you must remember our own thwarted love, and deal kindly with Mary. She hath been a good child; and verily the God who had mercy on our unconverted souls, will not forsake her. Will you promise?"

'"I will," answered the old man, in an agitated voice. "Verily, my dear wife, your dying request shall be obeyed."

'"I would fain turn to the light," said she, "for I feel that my departure draweth nigh."

'Mary and her father gently raised her, and turned her toward the little window. She looked on her husband, with the celestial smile of a dying saint, as she said,

'"I die happy in the Lord Jesus. Sometimes I would fain tarry longer for your sake; but the Lord's will be done."

'The agonized man pressed back the crowding tears, as he said,

'"If in the roughness of my nature, I have sometimes spoken too harshly, say that you forgive me."

'"I have nothing to forgive," she replied; "to me you have been uniformly kind."

'She reached out her hand to Mary—"For my sake," added she, "be as dutiful to your good father, as you have been to me."

'"I will—I will," answered Mary, as she, sobbing, hid her face in the bed clothes.

'She spoke no more for several hours. At length, Mr Conant, who remained close by her side, heard her whisper, in low and broken tones, "My dear husband." She attempted to extend her hand toward him, but the blindness of death was upon her, and it

feebly sunk down by her side. As her husband placed it within his, she murmured, "I cannot see you, dear Roger. Kiss me before I die." He stooped down—and oh, how deeply painful was that last embrace. Mary likewise bent over her, and kissed her cold cheek.

'"My child—God—bless"—was heard from the lips of that dying mother; but the utterance was troubled and indistinct. Her breathings soon became shorter and more disturbed, and the last agonies seemed passing over her. No sound was heard in the room, till presently a short, quick gasp announced the soul's departure. Mr Conant placed his hand upon her heart—its pulse no longer throbbed. He held the taper before her mouth—no breath was there to move the steady flame. Mary uttered an involuntary shriek, and sunk upon her knees. There is nothing like the chamber of death to still the turbulence of passion, and overcome the loftiness of pride. What now was the shame of human weakness to that bereaved old man? He stood by the corpse of her, who for twenty years had lain in his bosom, and he heeded not that the big, bright tears fell fast upon the bed. Nothing now remained but the last, sad offices of friendship; and they were silently performed. Not a word was spoken by father or daughter. The sheet was carefully drawn over that pale face; and both bowed down their weary, aching heads upon the pillow, in still communion with their own souls.

'During this time, the Lady Arabella had sunk into a slumber so deep and tranquil, that she seemed almost like her departed companion. Mr Johnson remained with her hand clasped in his, half doubtful whether it was not indeed the sleep of death. Towards morning she awoke; and resting her eyes upon her husband, with a look of unutterable love, she feebly returned the pressure of his hand, as she said,

'"You are always near me, dear Isaac." After a thoughtful pause, she asked, "Is not the Lady Mary dead?"

'"She is," answered Mr Johnson.

'"Assuredly I so thought," continued she. "I dreamed that angels came for her, and she said they must wait for me. They are standing by her bedside now. Don't you see the light of their garments? Well, I shall soon be ready."

'"My God, my God," exclaimed the young husband, "would that the bitterness of this cup might pass from me."

'"But it may not pass," rejoined his wife calmly; "and you must drink it like a christian. Let your whole trust be on the Rock of Ages."

'"I could bear it all, Arabella," replied he, "had I not brought you into trials too mighty for your strength. But for my selfish love, you might now be living in ease and comfort."

'"My dear Isaac, does this sound like a follower of the Lamb?" said she. "The time of my departure hath come, and what matters it whether it be in England or America? In the short space we have been allowed to sojourn together, I have enjoyed more than all my life beside; and let this remembrance comfort you when I am gone. Remember me most kindly to my good brother. May his earthly union be as happy and more permanent than mine."

'For a long time she seemed exhausted by the effort she had made. Then, taking the ring from her finger,

'"Give this to Mary," said she; "and when she looks thereon, bid her think to what all human enjoyment must come. I know you will always wear my miniature. It would have been a great comfort, had I been permitted to leave a living image of myself; but it hath pleased the Lord to order otherwise. Faint not in the enterprise whereunto our blessed Lord has called you; and remember we meet again in Jesus."

'The heart of her husband was too full to speak; and he could only kiss her emaciated hand in reply. She fixed her dying gaze upon him, and a faint smile hovered round her lips, shedding its unearthly light over her whole countenance, as she said, "I hear the angels singing. 'Tis time for me to go." Her look was still towards her husband, when her lids closed as if in peaceful slumber. All was hushed. The flickering lamp of life was extinguished.

'There, in that miserable room, lay the descendants of two noble houses. Both alike victims to what has always been the source of woman's greatest misery—love—deep and unwearied love. The Lady Mary had in her lifetime been so still and fair, that the smile on her placid countenance seemed but a mockery of death; and whoever looked upon the Lady Arabella, would have judged that thought was still busy beneath those closed eyelids.' pp. 134—138.

But the principal beauties in this work are to be found in the delineations of the Indian character. We have seldom met with more successful efforts in this way, than the descriptions of the characters and language of Hobomok and Corbitant. We are only sorry that the author's plan did not admit of their more frequent appearance. In the following extract they are represented together.

'At the moment Hobomok entered, he (Corbitant) was engaged in eager conversation with Segamore John, concerning his connexion with the English, and scarcely was he seated, ere he exclaimed,

'"Shame on you, Hobomok! The wolf devours not its own; but Hobomok wears the war belt of Owanux,* and counts his

* Englishmen.

beaver for the white man's squaw. Oh cursed Owanux! The buffalo will die of the bite of a wasp, and no warrior will pluck out his sting. Oh cursed Owanux! And yet Miantonimo buckles on their war belt, and Massasoit says, their pipe smokes well. Look to the east, where the sun rises among the Taratines; to the west, where he sets among the valiant Pequods; then look to the south, among the cowardly Narragansets, and the tribes of Massasoit, thick as the trees of his forests; then look far to the north, where the Great Spirit lifts his hatchet* high above the head of the Nipnet! And say, are not the red men like the stars in the sky, or the pebbles in the ocean? But a few sleeps more, let Owanux, suck the blood of the Indian, and where will be the red man then? Look for yesterday's tide, for last year's blossoms, and the rainbow that has hid itself in the clouds! Look for the flame that has died away, for the ice that's melted, and for the snow that lights on the waterfall! Among them you will find the children of the Great Spirit. Yes, they will soon be as an arrow that is lost in its flight, and as the song of a bird flown by."

'This was uttered with a smile of bitter irony, and in a tone so loud and fierce, that every eye was fixed on the speaker. Sagamore John laid down his pipe to listen; his squaw shook her head mournfully as he uttered his predictions; and his sons stood gazing upon Corbitant, till the fire flashed from their young eyes, and their knives were half drawn from the belt. Even Hobomok, whose loves and hates had become identified with the English, admired the eloquence of his enemy, and made a melancholy pause ere he answered, "Corbitant knows well that the arm of Hobomok is not weak, nor his cheek pale in time of battle; but if the quiver of the Narragansets be filled against the Yengees,* know you not, that they themselves will be trodden down, like snow, in the war path of the Pequods?"

'"That's the song of the lame bird, to lead from its nest," replied Corbitant, sarcastically. "Would Hobomok weep, if the Pequod should lift his head to the clouds, and plant one foot among the Taratines, and the other far, far away among the Caddoques? Would he utter one groan, if the hatchet of Sassacus were buried deep in the brains of Pokanecket's child? No! and yet Hobomok asked that the child of Pokanecket might be his squaw; but his beaver skins were not brought, and she cooked the deer for Ninigret's son.‡ Hobomok saves his tears

* The constellation of the northern bear.

† The Indian term for English; from which *Yankee* is probably derived.

‡ In an Indian courtship the young man makes a present of beaver skins, and the intended bride returns venison of her own cooking.

for the white faced daughter of Conant, and his blood for the arrow of Corbitant, that his kinswoman may be avenged."

'Hobomok lifted his tomahawk in wrath, as his adversary uttered these insulting words. "Who dares speak of groans and tears," said he, "to him whose heart has been calm in the fight, and whose eye winked not at the glancing of arrows?"

'Corbitant answered by a scornful laugh, and the hatchet would have descended on his head, had not Sagamore John stept between them, as he said, "Listen to the words of an ancient chief. The Great Spirit loves not the sacrifice of young blood, when it is shed in quarrel. Smoke the pipe of peace, my children; and I will tell you of days that are gone by, when the war whoop of John was heard the loudest among his tribe, and his arrow brought down the deer at her swiftest speed."

'To have refused to listen to the stories of an old man, would have been contrary to all rules of Indian decorum; but before the fierce, young spirits, composed themselves to respectful silence, a challenge of proud looks was exchanged, as Corbitant muttered, "When the big sea bird up yonder, go back to their great land chief, king Charles, the white squaw's father, say Indian arrow be broken at Naumkeak. Let him look to 't that the wolf be not near his wigwam."

'Hours passed away while the young sons sat devouring the words of their father, and even his guests seemed to have forgotten their own hatred, in the eager reverence with which they listened to him. His squaw, in the meantime, had taken her coarse, roasted cakes from the fire, and placed some cold venison before her visiters, and pointed to it with a look of pride, as she said, "The arm of my sanup is old, but you see his arrow is yet swifter than the foot of the deer. May his sons bring him food in his old age."' pp. 38—41.

We shall make one more quotation. It describes the meeting of Hobomok and Mary's former lover.

'While conversation of this nature was going on at home, Hobomok was pursuing his way through the woods, whistling and singing as he went, in the joyfulness of his heart. He had proceeded near half a mile in this way, when he espied an eagle, soaring with a flight so lofty, that he seemed almost like a speck in the blue abyss above. The Indian fixed his keen eye upon him, and as he gradually lowered his flight, he made ready his arrow, and a moment after the noble bird lay fluttering at his feet.

'"A true aim that, Hobomok," said a voice, which sounded familiar to his ears. He raised his head to see from whence it proceeded. Charles Brown stood by his side! The countenance

of the savage assumed at once the terrible, ashen hue of Indian paleness. His wounded victim was left untouched, and he hastily retreated into the thicket, casting back a fearful glance on what he supposed to be the ghost of his rival. Brown attempted to follow; but the farther he advanced, the farther the Indian retreated, his face growing paler and paler, and his knees trembling against each other in excessive terror.

'"Hobomok," said the intruder, "I am a man like yourself. I suppose three years agone you heard I was dead, but it has pleased the Lord to spare me in captivity until this time, and to lead me once more to New England. The vessel which brought me hither, lieth down a mile below, but I chose the rather to be put on shore, being impatient to inquire concerning the friends I left behind. You used to be my good friend, Hobomok, and many a piece of service have you done for me. I beseech you feel of my hand, that you may know I am flesh and blood even as yourself."

'After repeated assurances, the Indian timidly approached—and the certainty that Brown was indeed alive, was more dreadful to him, than all the ghosts that could have been summoned from another world.

'"You look as if you were sorry your old friend had returned," said the Englishman; "but do speak and tell me one thing—Is Mary Conant yet alive?"

'Hobomok fixed his eyes upon him with such a strange mixture of sorrow and fierceness, that Brown laid his hand upon his rifle, half fearful his intentions were evil. At length, the Indian answered with deliberate emphasis,

'"She is both alive and well."

'"I thank God," rejoined his rival. "I need not ask whether she is married?"

'The savage looked earnestly and mournfully upon him, and sighed deeply as he said,

'"The handsome English bird hath for three years lain in my bosom; and her milk hath nourished the son of Hobomok."

'The Englishman cast a glance of mingled doubt and despair towards the Indian, who again repeated the distressing truth. Disappointed love, a sense of degradation, perhaps something of resentment, were all mingled in a dreadful choas of agony, within the mind of the unfortunate young man; and at that moment it was difficult to tell to which of the two, anguish had presented her most unmingled cup. The Indian gazed upon his rival, as he stood leaning his aching head against a tree; and once and again he indulged in the design of taking his life.

'"No," thought he. "She was first his. Mary loves him better than she does me; for even now she prays for him in her sleep. The sacrifice must be made to her."

'For a long time, however, it seemed doubtful whether he could collect sufficient fortitude to fulfil his resolution. The remembrance of the smiling wife and the little prattling boy, whom had that morning left, came too vividly before him. It recks not now what was the mighty struggle in the mind of that dark man. He arose and touched Brown's arm, as he said,

'"'Tis all true which I have told you. It is three snows since the bird came to my nest; and the Great Spirit only knows how much I have loved her. Good and kind she has been; but the heart of Mary is not with the Indian. In her sleep she talks with the Great Spirit, and the name of the white man is on her lips. Hobomok will go far off among some of the red men in the west. They will dig him a grave, and Mary may sing the marriage song in the wigwam of the Englishman.

'"No," answered his astonished companion. "She is your wife. Keep her, and cherish her with tenderness. A moment ago, I expected your arrow would rid me of the life, which has now become a burden. I will be as generous as you have been. I will return from whence I came, and bear my sorrows as I may. Let Mary never know that I am alive. Love her, and be happy."

'"The purpose of an Indian is seldom changed," replied Hobomok. "My tracks will soon be seen far beyond the back bone of the Great Spirit. For Mary's sake I have borne the hatred of the Yengees, the scorn of my tribe, and the insults of my enemy. And now, I will be buried among strangers, and none shall black their faces for the unknown chief. When the light sinks behind the hills, see that Corbitant be not near my wigwam; for that hawk has often been flying round my nest. Be kind to my boy." His voice choked, and the tears fell bright and fast. He hastily wiped them away as he added, "You have seen the first and last tears that Hobomok will ever shed. Ask Mary to pray for me—that when I die, I may go to the Englishman's God, where I may hunt beaver with little Hobomok, and count my beavers for Mary."

'Before Brown had time to reply, he plunged into the thicket and disappeared.' pp. 172—175.

The tone of the work is generally sombre, and accords well with our associations with the early history of New England, and the days of sickness, sorrow, privation, and religious austerity. We never read the records of those times without a sensation of melancholy and pity, mingled with respect and national pride, and the author of Hobomok seems to feel and inspire a similar sensation.

We think this book has suffered much from the general pre-

judice against the catastrophe of the story, and that its animated descriptions of scenes and persons, its agreeable style, and the acquaintance with the history and spirit of the times which it evinces, have not received the credit due to them. But we doubt not, that it will one day be regarded with greater favor, and that it is by no means of the same ephemeral class, with some others of our American novels. It will stand the test of repeated readings, and it will obtain them.

A Peep at the Pilgrims.—The period, in which the events of this tale are supposed to have happened, is six or seven years later than that of Hobomok. The scene during great part of the work is in Plymouth, at that time comparatively an old settlement. The hero of the story, Major Atherton, arrives at this place in search of adventures; falls in love with a daughter of the land; follows her to the new plantation on the Connecticut river; is taken prisoner in attempting to rescue her from the savages, who had kidnapped her; is himself rescued from the stake at the last moment; and marries the lady, who has in the meantime been ransomed. The two volumes are also replete with episodical matter of various interest.

The same faults exist in this, which we have already noticed in the preceding novels. The characters are too numerous, and the story is spread over too great a space; a good deal of the work is a mere compilation from the chronicles of the time, slightly connected with the fictitious narrative, and these parts are sometimes the most interesting. The accounts indeed of these matters are well written, but may be found equally so elsewhere. We can read Neal, and Morton, and Winslow for ourselves, and we expect the novelist to begin only where the historian stops. Something, it is true, is done in the way of filling up the outlines of history, and sometimes tolerably well done, as for instance the characters of Standish, Ashly, and White, though the description of the last approaches rather too nearly to caricature. Our English periodical brethren, we suppose, would call him the *bore* of the novel.

The dialogue is occasionally spirited, but we could not avoid feeling now and then, that the author was laboring to make his personages smart. The art is not always concealed. But the greatest merit of this work consists in what we should call its topographical execution. The writer observes and describes

inanimate objects much better than peculiarities of character, and this confirms what we have before said on this subject. The book owes much more of its interest to historical details, and descriptions of natural and real objects, than to the author's power of invention, or discrimination of character. We can therefore approve, and find a good deal to praise in the work, without believing that it affords much promise of the future excellence of the writer, and cannot encourage him to write on, unless he is likely to be satisfied with the praise of mediocrity.

We can afford space for one short extract only. It describes the first appearance of Plymouth to Atherton.

'They seemed approaching a wilderness; for already the forests were enveloped in darkness, and the gigantic hills invested with the shadows of twilight. Presently a dim speck appeared on the horizon;—it was the little village of Plymouth, the most ancient of the settlements, fast rising into importance, and far famed for the success and enterprise of its inhabitants.

'The stranger experienced a momentary disappointment, as he rapidly surveyed the limited dimensions, and rude architecture of that new "city of refuge." His fancy had sketched scenes of Arcadian loveliness, and colored the picture, which it drew, with the fairy tints of romance; but he only saw, rising from the rocky and sea girt shore, the humble roofs of the Pilgrims, clustered together in two compact lines, and thinly shaded by native trees; each tenement encircled by a patch of vegetation, then wearing the seared and fading hues of autumn. The English colors waved gaily from the battlements of a square fort, which crowned the summit of the commanding eminence, and its flat roof was paced by several persons, who watched with curiosity the approaching vessel.'

The author's styleis generally correct and unpretending, and he rarely attempts in his own person to be very fine. The typographical execution is much more beautiful, than is common in works of this sort.

The Witch of New England.—This novel belongs to a period about fifty years later than the last. The scene of course is laid in New England, but in what part we are at a loss to imagine; possibly somewhere in Connecticut. The principal character in the story is an old woman, who pretends to witchcraft, commits certain horrid crimes, and is

executed accordingly. The other characters are few, and the time occcpied is short. It is therefore free from the faults, which we have charged upon the two last. The author has not meddled much with history, except in his introduction, and the interweaving with his narrative a number of facts, which he has collected and used without ceremony, borrowing occasionally the very language of the works, from which his selections are made, especially in two or three stories from the American Preceptor. He seems to have read over some common works on the early history of New England, with a view to the production of this novel, but in a manner hasty and inaccurate to a surprising degree. We could easily trace his progress through several of these, and were amazed, that, after having read them, he should still remain so ignorant of the early history of the country. His introduction is taken from Belknap's Life of Carver, from which he borrows whole sentences, and yet he informs us, that the 31st of December was the day on which the Pilgrims landed at Plymouth, and that it has ever since been celebrated as a festival. The 31st indeed, which, by the difference of style, answers to our 11th of January, is mentioned by Belknap as the day, when the settlers first attended divine worship on shore, and probably this was the origin of the mistake. We acquit the natives of New England, however, of this novel, for what Yankee has not heard of the '22nd?' He introduces us to the house of a clergyman, 'a large *stone* dwelling,' the burying ground with 'its rectangular tombs of *blue and white marble*,' the 'plain *brick* church,' and above all the '*Presbyterian* minister.' This is a strange combination for New England, in 1690, or indeed at any time. Again, Uncas, the Indian chieftain, who, by the way, was a mighty warrior more than half a century before, is made to speak of the time when he roamed like the meteor over the *prairie*. In the fourth chapter, the son of the clergyman abovementioned reads to his father and family a long *dramatic* fragment, of his own composition, of which one of the characters is a *Friar*, quotes Shakspeare, and hints at the Arabian Nights, and Salvator Rosa; and to all this the father, who is represented as a strenuous Puritan, makes no objection. This chapter was altogether too much for our gravity. The son of a New England clergyman, in 1690, writing plays, and producing these

'pairings of the Devil's hoof,' for the entertainment of his father! He might as well have represented the clergyman himself as a reviewer of novels.

Ridiculous, however, as this book assuredly is, in regard to its historical qualifications, it is not without merit of a certain kind. Parts of it are well written, and some descriptions of scenery, and some touches of character, are so tolerable, that we are unwilling to condemn it altogether. It seems to us, that the author proposed to frame a tale, in which the Witch and her associate should be subordinate characters, that he was unable to complete his plan, and that his end does not fulfil the promise of his beginning. He introduces the regicide Whally, but does nothing with him, except to kill him in defiance of physiology, representing him as being found dead, with his body erect, intent on his book, and looking as if he were alive, a combination of circumstances, which implies an economy of muscular exertion, and consequently of patience, that to those of us, who are called on to review novels by the quantity, is far more desirable than possible. Finally, as if determined that none of his reading should be in vain, he introduces a Quaker on one occasion, for no earthly purpose, that we can imagine, except to give him an opportunity of putting into the mouth of an opponent of heterodoxy, a speech, borrowed *verbatim et literatim* from the Simple Cobbler of Agawam, and that without the least hint to the reader, that it is not his own composition.

Saratoga.—We are now brought back again to the revolution. The heroine of this story is the daughter of an English officer, resident in America, who takes arms against the Colonies. He is among the sufferers by the disasters of Burgoyne's army; is placed *hors du combat* by the capitulation at Saratoga, and returns to his former residence in Pennsylvania. His daughter suffers a metaphorical wound, while her father is confined with a real one. She becomes enamored of a gallant rebel colonel, and in process of time is married to him. This is the main story, but there are many underplots, which we have not room to analyse.

In some respects this novel would seem to belong rather to the old *regime*. The hero is a piece of perfection; there are mysteries and complications, a mistress in the wood, a muffled stranger, and a final satisfactory explanation. The writer leans

but little upon history, and introduces few real personages. We have the lady Harriet Ackland, and the life of General Frazer of course; 'he could not miss't,' as Antonio says, but in the main the story is fictitious.

We find here the fault so often noticed, the crowding of persons and plots, and the last exceedingly complicated. Still we should call it a respectable novel. The characters, when they are intended to be mortals, are pretty well delineated, and there is rather a larger proportion of well supported dialogue, than is usual in these second rate works. On the other hand, it may be observed, that there is a good deal of dull conversation, which might have been omitted, or abridged to great advantage. The character of the Irish captain is the best in the book, and though often in excess, it is on the whole well executed. The Irish, by the way, seem to be made on purpose for novels. They are born with a character, and talk poetry by nature. We have only to observe further, that this book does not appear to have received from the public, the notice that others have enjoyed, which, if equal, are certainly not superior to it. Our limits will not allow us to make a long extract, and we are unable to find a short one, which we think would be a fair specimen of its general merit.

Adsonville.—This tale belongs to no particular period. The scene is near the Western Lakes, and on the banks of the Hudson. The principal personage is a kind of wet Quaker, who *marries out* of the society, after various delays, arising from opposition of parents and the like. We needed not the intimation in the preface, that it was a juvenile effort, since nothing can be more evident. The preface is composed with much humility and depreciation of criticism. But if no hope of success, beyond a circle of friends, was entertained, why publish at all? The style is very bad, and the expressions and phrases often uncouth, vulgar, and silly, and the incidents and *dénouement* hackneyed. It is further remarkable for the coarseness of its mechanical execution.

A Winter in Washington.—These volumes purport to contain a story of our own time, and our own metropolis. The author has chosen the most difficult of all subjects, that of describing and rendering picturesque, things that are common. The events of the story, so far as we know, are en-

tirely fictitious, though one or two real characters are introduced by name. In attempting a task so difficult, a failure was perhaps to be anticipated. We are sorry to say, that to us the book was heavy reading, and we are not sure, that any thing short of a reviewer's conscience would have carried us resolutely to the end.

Tales of an American Landlord.—This like the last, is a tale of fiction. It has two plots, of which we know not which is the principal. The hero of one is a spendthrift English Honorable, who choses to have the Atlantic between him and his creditors, as many a man has done both before and since. He engages the affections of a young lady, under an assumed name and character; is checked in his career by the 'curb of old father antic the law;' meets with his brother the real lord; repents, reforms, and marries the lady. In the other plot, the sister of the lady, already mentioned, gives her heart to another incognito, who turns out to be a young man to whom she had been contracted by their parents. There are many other characters and by-plays besides the main action. The time is fixed during the revolutionary war, but it is only in one chapter, we believe, that any reference is made to it, and the only historical person introduced is Lafayette, and he but briefly.

The grand defect in this novel is similar to that, which we noticed in the Refugee, a laborious imitation of the manner of the author of Waverley. The effort is so constantly evident, as almost completely to obscure the merit, which really belongs to the writer. He makes us think too often of himself, whereas his first object should be to make his readers forget him, or what is more to the purpose, he should forget himself in his characters. Moreover, it is too much loaded with quotations; and the delineation of characters might be more highly applauded, if it were more original; but the sin of imitation is here also. Hence many of his pictures have only the merit of copies. We might be pleased with them, if we did not possess the original.

This work is clearly intended to produce a certain moral and religious effect, and we give the writer credit for his intentions, which we sincerely believe to be praiseworthy; that is to say, we believe, that he proposed to do something towards effecting an object, which he deems good and useful.

His motives, therefore, must command respect, but we differ from him altogether, both with regard to the end, the means, and the conduct of them. Of the end proposed, namely, the advancement of certain religious views, it would be out of place to say any thing here, except that we disagree with the writer respecting their advantage or necessity. We object to the means of advancing these by novel writing, not as faulty, but as inefficacious. We do not believe, that any thing can be done for controverted points by fictitious narratives. The question is, whether certain religious views produce particular good effects upon the temper and character of men? Do they make them good, useful, and happy, more than other views, which are held with equal sincerity? The novelist may assert the affirmative in one word, or in two volumes, it is still nothing but an assertion. Lastly, as to the conduct of the means, or the execution of the novel, we object to it, because it tends, as far as it has any effect, to engage our sympathies in favor of the dissipated spendthrift already alluded to, and to weaken the persuasion, which of all others most needs encouragement, of the eternal connexion between vice and misery.

The two works remaining on our list, have no other claim to be classed among American novels, than that of having been first published in America. The former we conclude, from certain modes of expression, to be the work of a native of Ireland, or at least of one in the first generation of Irish descent. The latter seems to be the production of a Scotchman. The first is entitled

O'Halloran, &c.—The scene of action in this tale is the north of Ireland. The hero, Edward Barrymore, a young man of noble family, and loyal principles, takes a ramble for pleasure to the Giant's Causeway, and the scenes in the neighborhood; meets with O'Halloran, a leading United Irishman, and his granddaughter Ellen; falls in love with Ellen; refuses to connect himself with O'Halloran's political intrigues; is seized and confined by the united leaders; escapes and returns to the south. Soon afterwards, the insurrection of 1798 breaks out, of which some of the events are detailed. On the defeat and surrender of the insurgents, O'Halloran, who, as one of the chiefs, is excluded from the benefit of the amnesty, endeavors to escape to America, is finally taken, and condemned,

but saved from execution by the influence of Edward, who in the sequel marries Ellen.

The descriptions of the proceedings of the insurgents, while in arms, are graphic and interesting. We read this part of the book with pleasure, and this is all we can say in praise of it. The remainder is indifferent. The characters of O'Halloran, Ellen, and Edward, the proceedings of the latter in obtaining the pardon of the former, and several other circumstances in the conduct of the tale, are imitated from similar circumstances in Waverley. Peg Dornan is Meg Merrilies diluted. The author thus compels us continually to draw comparisons, which must necessarily be unfavorable to him. The story is spun out long after the proper catastrophe. It should have been closed as briefly as possible, after the pardon of O'Halloran, who, after all, is the principal person. The episode of Sir Geoffrey Carebrow, a brutal wretch, who carries off the heroine, that she may be rescued by Edward, and who afterwards bequeaths her his fortune, is badly managed, and in some instances disgusting. There is also an occasional grossness of allusion, which is offensive. The grave dialogue is dull. The speakers talk too long, and too much in set terms. The subject and materials of this novel are excellent; its defects are in the execution.

Goslington Shadow.—We take up this book with feelings analogous to those of the philosopher, when he exclaimed, on an occasion not very dissimilar, 'Courage, my friends, I see land.' The scene of Goslington Shadow is laid in Scotland; the time being about five or six years since. The title of the novel, or, as the author prefers calling it, the *romance*, is also the name of the hero, who is the son of a Scotch farmer. Goslington is sent to the university against the inclination of his father; goes through the usual routine of education; is introduced to the acquaintance and favor of Lord Ringsdale, and falls in love with his daughter. Matthew Shadow, the father, acquires a large fortune by the death of a relation, and is discovered to be the rightful heir to the title and estates of Ringsdale. The work concludes with the marriages of Goslington with Lady Rosa Ringsdale, and of his sister Peggy with a young American, who turns out to be of Scotch lineage. Such is the most complete abstract of the story, which our limits will permit. The truth is, that the book is rambling and discursive

in the extreme. The author introduces a great variety of characters, and strings their adventures together, without seeming to care much about the manner of their connexion. Of course the interest of the story is nearly lost. Some of the characters are extremely well done, especially that of Matthew Shadow; others are crude and faulty. The dialogue on some occasions is excellent, and then it becomes feeble or tedious. We shall best illustrate our views of this performance, by comparing it with some other well known work. Such a one occurs to us in Sir Andrew Wylie, by the author of Annals of the Parish. Goslington Shadow resembles this in many particulars, and is nearly on a par with it in point of merit. The constant use of the Scotch dialect, and the evident intimacy of the author with Scotch manners and customs, so far as we can judge from the perusal of the modern secondary Scotch novels, show that he is either a native of Scotland, or a person who has resided at some time, and for a considerable period, in that country. Perhaps we were disposed to give the dialogue quite as much credit as it deserved, from the circumstances of its being carried on in a dialect, which, as we have already observed, has of itself a strong hold on our agreeable associations.

We have one remark to make, which applies to all these novels. They are uniformly deficient in taste and skill in the selection of mottos for their chapters. These scraps form an important part of a novel, and require more attention and knowledge, than the authors of most of them seem to be aware. The mottos of those, which we have now noticed, are far too frequently either hackneyed, pointless, or without sufficient bearing on the subject of the chapter. There is sometimes an affectation of quoting from the *Old Play*, to which, however, we are certain, that for anything which as yet has appeared, no one has ever had access, but the author of Waverley.

We have thus concluded a task, which the public may possibly think has been performed too leniently, whilst the authors and authoresses will doubtless agree in this, if in nothing else, that we have been economical of praise, lavish of censure, totally deficient in discrimination, and probably in taste and judgment. But we live not in their report. We have endeavored to show in our remarks, that, with some exceptions, we do not

attach high merit to these books, while we have been anxious to avoid those sweeping and sneering denunciations, which are neither valuable nor difficult, though unfortunately they are apt to obtain more credit than they deserve, with those who measure the weight of criticism by its flippancy, or its bitterness. We have uttered our thoughts, and desire them not to pass for more than they are worth. As to the future literary projects and doings of the writers, who have now passed under our notice, we take it not upon us to exhort or advise. While they keep within the bounds of good morals and decorum, let them write on, if they feel moved to this exercise, and are willing to run the risk of laboring sometimes in vain. Those persons, who waste their time in reading poor novels, or, if our readers please, any novels, would probably waste it in some other way not more innocent, if novels were not to be had. If cards and the theatre languish in this age of novel reading, the public morals are not likely to suffer by this change of amusement, and, in short, a man may as well employ himself in writing, or reading a novel, as in cutting a diamond into an indifferent figure, or wearing it after it is done.

ART. V.—*A Dissertation on the Nature and Extent of the Jurisdiction of the Courts of the United States, being a Valedictory Address, delivered to the Students of the Law Academy, at Philadelphia, at the Close of the Academical Year, on the 22nd of April* 1824. By PETER S. DU PONCEAU, Provost of the Academy. *To which are added a Brief Sketch of the National Judiciary Powers Exercised in the United States, prior to the Adoption of the present Federal Constitution.* By THOMAS SARGEANT, Esq. Vice Provost. *And the Author's Discourse on Legal Education, delivered at the Opening of the Law Academy, in February* 1821. *With an Appendix and Notes.* 8vo. pp. 254. Philadelphia, Abraham Small, 1824.

IT is a remarkable circumstance, that, from the earliest antiquity of the law, at least after it began to assume the form

of a science, there have been two schools of construction, the one contending for a literal adherence to the text, and the other supporting a more liberal principle of interpretation, and allowing greater latitude to the spirit of an enlightened juridical philosophy. This division among the professors of the Roman law, of which we have an agreeable history by Heineccius, commenced under the administration of Augustus, and continued until the reign of good Aurelius; the students of law generally arranging themselves as disciples of one sect or the other, although it was some time before they assumed the permanent appellations, by which they were afterwards distinguished, of Proculeians, and Sabinians, or Cassians. The lawyers of the latter reign, according to Claude Ferrière, translated by the learned Dr Cooper, 'affected neither party in particular, for at different times they dispassionately approved the opinions of either sect, as they judged them more or less agreeable to justice and right reason, and they generally endeavored, by an equal temperature, to avoid the absurdities into which both parties, by reason of their great dislike and opposition to each other, had frequently fallen.' The division may be deemed to have died away during the dark ages, when the books of the law were lost, like those of Livy. The subject was revived, and this question made a conspicuous figure in the discussion of the Code Napoleon; and, singular as it may seem to those, who are familiar with the sturdy spirit of the old common law, something of this difference has actually crossed the channel into England; although, as Mr Butler observes, 'the good sense of English lawyers has prevented them from forming into sects.' There is, however, one instructive and invaluable reading, on a subject of this kind, to which we are referred among the relics of the philosophical mind of Burke, in a report of his on the trial of Warren Hastings, namely, 'whether in cases for which neither the written nor unwritten law of a nation had provided, courts of law might make a provision for it, by conforming existing laws and principles to it, or by subtracting from their operation?' But this is going a length, to which we have no inclination to be enlisted. And we are moreover aware, that the topic, on which Mr Du Ponceau is engaged, is one about which the public, or at least that portion of it, which enters into the

spirit of such subjects, and concerns itself the most with the genius of the system, is somewhat at a stand; and we believe there are some of the fairest, and most intelligent minds in the country, that have not been quite able to come to a satisfactory conclusion.

We are not left in the dark to trace the origin of our jurisprudence. In seeking to find it by the light of history, we are naturally led back to the municipal institutions of our mother country. These are the *gentis incunabula nostræ*. It has always been considered the privilege of colonies to carry with them the laws of the mother country, from the time of Thucydides, to the time of Sir Walter Raleigh; and it is delightful to reflect, that our principles of colonisation, in this respect, were actually drawn from the undefiled fountains of Grecian Jurisprudence, in their present state, as they were exhibited and illustrated in those beautiful images of Greece herself, which successively arose among her offspring in the Archipelago, and were reflected on the coasts of Asia Minor and Græcia Magna. It is rather an interesting coincidence, that the publication of the great work of Grotius, in which these principles were unfolded, was nearly coeval with the colonisation of this country; and we consider it quite plain, that the English establishments on this continent were formed more after the model of the Grecian, than the Roman colonies, though it was equally a fact, that the laws of Rome extended with her empire.

The points of difference, it does not fall within our present province to define, nor to defend the analogy to which we allude. Upon the soundest principles of public jurisprudence, the colonists considered the law of England as their patrimony. They claimed the common law as their birthright. The same rule of common sense prevailed in regard to this subject, on both sides of the Atlantic; and the doctrine was recognised in Westminster Hall as it was held here, that the common law of England extended to these colonies, precisely so far as it related to their circumstances. It is perfectly evident, however, that the original constitution of England did not contemplate the extension of its internal jurisprudence to such exterior establishments, as they could not have been foreseen to form component parts of the empire. This was a case, that arose unexpectedly out of the appropriation of this newly discovered

country among the powers of Europe; and the jurists of England adjusted the question, as well as they could, according to the general analogies of their own system.

The regulations adopted for the government of these newly acquired territories were, therefore, in the first instance, the precipitate result of so much speculative sagacity as fell, for instance, to the portion of that second Solomon, king James the First; who, in his childish exultation over his precious carcanet of colonial rubies, *onyx cum prole*, entertained a design of consummating their earthly felicity, by a complete codification of his own wise making. The consequences of this simple folly might, however, have been overruled, so as to be rendered less pernicious, than the evil starred projects, and mysteriously guided counsels, of his immediate descendants. By their frames of government, the colonies were forbidden to exercise the powers of legislation, in any manner repugnant to the laws of England. That they should be obliged to avoid all acts in derogation of that sovereignty, upon which they reclined for protection during their infant period, was a perfectly suitable provision; but that it should have any bearing in matters of a merely municipal nature, having no relation to their dependence, nor connexion with the internal police of Great Britain, nor affecting the interest of the empire, any further than it concerned their own domestic economy and improvement, was at least an absurd and impracticable piece of supererogation. For the mother country to pretend to interfere in these concerns, for the sake of promoting her own exclusive interest and aggrandisement, was unquestionably oppressive and intolerable. The true principle and spirit of this political restriction undoubtedly were, to prevent the passing of any laws inconsistent with the interest, or incompatible with the integrity of the whole empire, of which they constituted part; and it was analogous to the policy of the present constitution of the United States, by which the independent states are deprived of the power of passing any acts, repugnant to its provisions or its spirit. The colonies, therefore, justly considered it in no wise repugnant to their obligations or allegiance, and as no more a violation of the laws of England, than an infraction of their own characters, to adopt all

such regulations of a merely municipal nature, as they might find useful or expedient for themselves, and suitable to their condition.

It may be the more material to keep these circumstances in view, inasmuch as the common law not composing a specific text, it is to be traced in considerations of a general political and civil nature, at least in regard to ourselves, with as much propriety as it is to be sought in the more authentic records, which it acknowledges, of judicial precedents, and juridical commentaries. Furthermore, it is interesting, that on this circumstance, namely, that it did not constitute a regular, definite, and elaborate code, connected with its contiguous causes, we are to account for, and explain the most singular phenomenon, the *neque idem manebat, neque idem decedebat*, of American common law. This circumstance itself has been seized, with a prodigious avidity, to prove the incoherence of any hypothesis whatever of common law for the country. It is therefore useful, in this point of view, to advert to the causes of that deflection, which the common law underwent in this country, as well as to account for the various casts, which it assumed among the different colonies. It is rather desirable, in this respect, to redeem the common law from the reproach attached to it from these causes, as being either a very inconsistent or indifferent species of jurisprudence. Our worthy forefathers have enjoyed quite as much credit, as they fairly deserved, for the amusing casuistry, with which they have been accused of construing their charters, and the legerdemain with which they were suspected of changing their tenures. In this respect they did but practise, in any way, upon the genuine spirit of the common law itself, which is not, after all, quite so crabbed, as some of its adversaries are pleased to suppose; but is a more flexible and apt species of jurisprudence, containing an internal principle of reformation within itself, and accommodating itself with equal facility to the advances of science and the changes of society.

The character of the common law, in this respect, richly justifies all the remarks, which are made by Mr Du Ponceau, in different parts of his work, and especially the well considered eulogium of the late Mr Justice Wilson, in his charge

on the trial of Henfield and Singleterry, extracted by Mr Du Ponceau in his preface. Our own opinion on this point, indeed, is sufficiently indicated in our last number but one, in the occasion we had to comment upon an interesting and important branch of maritime law. Concerning the fictions, that were invented by the colonial lawyers, to sanction or systematise these just and necessary inflections of its rules, to the uses and circumstances of the times and their own peculiar situation, according to their narrow notions and technical conceptions of the common law, they were, without doubt, sufficiently ingenious and absurd; but they only serve to show the fashion of juridical thinking at that day, and the vague fancy for something like codification, which possesses the spirit of some part of the profession, and from which our most barbarous old common lawyers were not entirely free.

As the colonies were settled at different intervals, *diversis manipulis*, and the common law was in the meantime undergoing considerable mutations from acts of parliament, and modifications from judicial decisions, in cases of more or less novelty in England, they consequently received the common law at various successive stages of improvement. Actual diversities, without any doubt, resulted from legislative provisions, as well as judicial determinations, in the different colonies themselves. But as they mainly grew out of the different circumstances in which they were situated, and the peculiar interests of their separate sections; as they were not incompatible with the general welfare of the whole; and as the colonies constituted altogether one great community, there was nothing in these minute variations, to demonstrate any actual departure from the proper principles of the common law, or to establish absolute dissonance in the character of the system, in respect to which they were, in truth, to be regarded as being in the spirit of the most perfect harmony. As the colonists were collected together under circumstances, essentially different from the condition of their fellow subjects in Great Britain, having mutual interests, accompanied by a perfect intercommunity of social rights, and sustaining the same general system of civil relations, there was a general affinity pervading all their colonial institutions, which had an original basis in the proper principles of the common law.

These circumstances, therefore, afford no more ground for any conclusion, detracting from the existence of a common law among the colonies, than there is to be drawn from the various customs in England, or the privileges of the counties palatine, against the general power and authority of the common law there. Or they may be compared, perhaps, more aptly, to the great variety of *coutumes* existing in France, which it was the favorite object of her most illustrious sovereigns, and enlightened jurists, particularly the Chancellor D'Aguesseau, to condense into one uniform system of jurisprudence. The civil law was nevertheless the basis of all these varieties; it is, indeed, as Mr Du Ponceau denominates it, the *jus commune*, or the common law of Europe, the general foundation of the continental systems of jurisprudence. There is another circumstance, which ought not, perhaps, to be entirely omitted, although it may not amount to much in the aggregate; namely, that some of the thirteen colonies were of foreign extraction, and acquired by conquest or cession. These would properly be entitled to preserve their original institutions, until their population became so intermingled with the new inhabitants, that it could no longer be distinguished, and their particular customs became gradually merged in the prevailing law of the land. In fact, there were none of the colonies, in which all traces of foreign jurisprudence were more perfectly obliterated, and the features of the common law more distinctly impressed, than in those middle states, which were formerly in this condition. Indeed, if any difficulty of this kind could have arisen, in regard to this question, it would have been after the conquest of Canada, and its incorporation into our colonial system, where, by the terms of the cession, the French law, founded on the civil, still prevails, and holds, at least, a divided empire with the English common law. Such a case actually exists in Louisiana, where the civil and common law unite, like the waters of the Missouri and the Mississippi, which flow through it.

We are fully persuaded, that this question, which engages Mr Du Ponceau, cannot be thoroughly investigated, and the true body of American common law effectually disinterred, without going back beyond the origin of the constitution, and

digging somewhat deeply into the grounds of our colonial jurisprudence. The period before the Revolution may well be denominated the Antejustinianean era, and in the principles of our colonial polity, we may discover the seeds of our present system. There we may discern the germs of our present establishments, and the stamina of all our civil institutions. There may be some complexity in the principles, and some difficulty in pursuing the details of this inquiry, but ample causes exist for supporting the conclusion, that, though divided into different forms, and distinguished by a variety of particulars, relating to their local interests and usages, in respect to the franchises enenjoyed under their charters, and the privileges parcelled out by the proprietors, or those more immediately derived from the prerogative, yet they appear to have constituted, in many material respects, one common system of *colonial polity.* And we are happy to avail ourselves of the opportunity, presented by Mr Sergeant's discussion, in its nature a preliminary one, of doing something towards completing the sketch he has given of the state of the judiciary powers in this country, at a period prior to the adoption of the constitution.

Among the reasons for entertaining such a supposition, we may advert to the following circumstances, namely, that all the lands were held originally under grants from the crown, which claimed the whole country by virtue of discovery and right of occupation; that the colonists were all fellow subjects, owing a common allegiance to the king, and claiming a common protection from the crown of Great Britain; the diversities in their condition springing from their charters, and kept up by their forms of government, resulted, also, from the acts of the crown, while at the same time their local differences were adjusted, and their mutual relations harmonised, by the general superintending authority of the empire. The most embarrassing part of the inquiry relates to the power of parliament; principally because questions were raised, in the course of political disputes, of a practical character, which admitted of no umpire, and which could only be settled at the point of the sword. From jealous apprehension of the designs of the English Commons, to make arbitrary assessments upon their property, the colonists were inclined to put themselves entirely under the protection of

the king, and finding that he entered equally deep into the combination against their rights, they came to the conclusion of rejecting the power of parliament altogether. How parliament ever came by the power, that it actually exercised so long without much question or offence, is foreign from the present inquiry, any further than to remark, that it was one of those jewels of the crown, which were wrested with the diadem from the brow of Charles the First, and that the celebrated Navigation Act, which was so long considered as essential to England in peace, as the rule of 1756 was in war, was the earnest of this assumption, and long remained the surviving monument of the usurpation.

But whatever the origin of this authority may have been, an inquiry, which finally ceases, like many others, to be of any practical importance, this is certain, that such a power was not only, for a long period, exercised by parliament with impunity, as it respected the external condition of the colonies as parts of the empire, but its authority was also acknowledged to extend by common consent, in general acquiescence, in several instances, so far as to regulate their internal concerns, and control their reciprocal relations. Besides the Navigation Act, and other salutary provisions of the same description, for regulating the trade and commerce of the colonies, imposing duties on *exports*, and restraints on manufacturing industry, acts of imperial legislation, which came gradually to be regarded in rather a questionable shape, and which terminated at last in producing a prosperous rebellion,—besides these, there were again others of a more strictly municipal character, the operation of which was never practically contested, nor their principle theoretically disputed. Among these provisions may be enumerated, the acts of parliament; 1, establishing a *general post office* at the beginning of the last century, and raising a revenue on postage for defraying the expense of the establishment, of which Franklin was at the head, just before it was abolished by the Revolution; 2, regulating the *colonial currency;* 3, altering the *laws of property*, by changing real estates in some respects into chattel interests; 4, altering the *rules of evidence*, by requiring the admission of affidavits of creditors, duly authenticated in England, by the courts of justice in the colonies; 5, laying an assessment

of *hospital money* on American seamen; 6, dissolving *contracts of service* created by indentures, and discharging apprentices from their masters on their enlistment into the army; 7, *naturalizing* all foreign protestants and Jews, residing seven years in the colonies.

Mr Du Ponceau remarks, that 'until the late Revolution, the British colonies, although separated by local governments, never ceased to make one whole with the remainder of the British empire, and have never ceased to be under a national superintending government.' 'Before the Revolution,' he adds, 'it was in the king and parliament of Great Britain, whose powers were limited, like those of the government which supplies its place.' It was a maxim of English jurisprudence, that though acts of parliament did not extend beyond the empire, nor operate upon its dependencies *proprio vigore*, yet they applied to, and bound them, when they were expressly comprehended in the purview of the act. This was rather an ambiguous authority, which was never either precisely contested nor conceded, never absolutely yielded in any matter of money, nor called in question, when it was exercised for the benefit of the colonies. In consequence of the events of our Revolution, it has probably been silently abandoned in relation to the remaining colonies. However the exercise of a power of executing a general system of internal improvement, for example, by cutting roads and canals through the colonies, might have been relished, we have no great reason to suppose it would have been resisted by the stoutest champions of their rights and liberties, so long as the government should have limited itself to the application of its own resources, and abstained from extracting an involuntary appropriation from the colonial treasuries. This was a point on which they were somewhat particular; and in a matter of that kind, it was very much their manner, rendered rather inveterate by usage, and somewhat irritable by opposition, to do nothing without asking their own advice. The act requiring the use of stamps in courts of justice, afterwards so odious, differed only from the provision before alluded to, respecting affidavits, in this ungracious circumstance, that it went to raise a revenue against their will. In the act for the general post office establishment, it is a little remarkable, that even this specific difference was over-

looked; and it is a circumstance of some curiosity, that Franklin, who was the Falkland of our civil war, so long as it would tolerate any neutrality, and was no foe, on the whole, to the temperate authority of parliament, enjoyed a salary from this source, which did not exactly square with his argument, while he acted as an agent in England. It is another striking illustration, that the celebrated Albany plan of union, which was projected on the eve of the war of 1756, for colonial defence, and which was finally rendered abortive, by the compound jealousy of the English government on one hand, that it gave too much strength to the colonies, and their own suspicious apprehension on the other, that it conferred too much power upon the crown, was to be founded on the final authority of an act of parliament.

It will also be remembered, that when that fine territory, now distinguished by the general name of the Valley of the Mississippi, which was conquered in that war, was secured by the treaty of peace, it was parcelled out into provinces by a royal proclamation in 1763. The policy of this proclamation, invalidating any unauthorized acquisition of the Indian title, has been supported by a recent determination of the Supreme Court of the United States. We believe it is also a fact, that the king had his forests interspersed among the provinces, and was accustomed to mark his broad arrow on the trees most suitable for the tall admirals of his royal navy; and if we are not mistaken in our recollection, the late Governor Wentworth, of New Hampshire, was the last who enjoyed the office of royal ranger, or surveyor. It is, moreover, well known, that the royal domains remaining in the country, or the crown lands, as they were called at the commencement of the Revolution, were claimed by the United States as common national property, on the ground of conquest in their confederate capacity. To pursue the point, however, through the difficulties that were made by Maryland, during the Revolution, on account of her circumscribed boundary, to the mode in which the subject was finally settled by Congress, although it would not prove unprofitable to the question, would lead to an anachronism in the discussion of it, which may as well be passed over.

Throughout the whole of our controversy with Great Britain, the colonists contended for the existence of a general civil constitution for the colonies, to which they constantly appealed for the definition and security of these rights, which they claimed as native born subjects, and which was founded, and could be maintained, on no other basis, than that of the common law of England. Indeed it cannot be contested, that the elements of the English system of jurisprudence, existed in their full vigor in the colonies, excepting such parts of it as related more exclusively to its feudal and ecclesiastical institutions. Governor Pownall, than whom, it is probable, a more constitutional jurist did not exist in the colonies, and whose authority is frequently referred to with the utmost respect by Dr Franklin, lays it down as a rule universally adopted through all the colonies, that they carried with them to America the common law of England, with such portion of the statutes, observing the ecclesiastical exception, as were in force at the time of their establishment.* In all the colonies, he says, the *common law is received as the foundation and main body of their law.* The variegated aspect, which this common law exhibited in the colonies, may be accounted for mainly by two circumstances. The first is, that it was a system of principles, depending chiefly for its form on its judicial administration; and, secondly, that the jurisprudence itself, not being contained in any exact code, but in a combined condition with actual jurisdiction, these elements did not so much require to be embodied, as to have a general organ established for their interpretation.

These circumstances must be taken into view together, to explain the apparent discrepancies in the colonial system. It is a characteristic principle of the common law of England, that its evidence exists emphatically in judicial exposition. This circumstance naturally gave the common law the complexion of a *Jurisprudence d'Arrets*, or what is familiarly denominated judicial legislation; and would probably have produced the same mosaic and tesselated appearance, that is presented in the parliamentary law of France, but for the peculiar structure of the English system, the intercommunication of the courts at Westminster, and the predominant capacity of the

* The Administration of the Colonies; wherein their Rights and Constitutions are discussed and stated. By Thomas Pownall, &c. London, 1768.

House of Lords, as an ultimate tribunal to pronounce the common, and expound the statute law of the realm. 'In England,' says Mr Du Ponceau, (p. 127,) 'there is, in fact, but one great judicature, sitting at Westminster. Although divided into different tribunals, the same spirit pervades them all; and in important cases the twelve judges meet together to decide. Above them all is the House of Lords, whose judgments are final and conclusive.' But in that country, again, he remarks, (p. 6,) 'the jurisdiction of almost every tribunal is derived from the common law, *that is, from ancient usage.* From the same source proceeds, at the same time, almost the whole of English jurisprudence. *Jurisdiction and law flow together in a mixed stream*, which in England there is little necessity to analyse, in order to separate its component parts.' The same intermingled current has passed over to us, it may be added, as it descended from antiquity.

Still the natural consequences of this primal constitution of the common law are obvious, and their operation is well illustrated, by the description given of it by Lord Chief Justice Hale, in the ancient county courts, into which England was formerly divided, according to the following enumeration. 'First, the ignorance of the judges, who were freeholders of the county; secondly, that these various courts bred varieties of law, especially in the several counties, for the decisions or judgments being made by divers courts, and several independent judges and judicatories, who had no common interest amongst themselves, in their several judicatories, thereby, in process of time, every several county would have several laws, customs, rules, and forms of proceeding; thirdly, that all the business of any moment was carried by parties and factions, and that those of great power and interest in the county, did easily overbear others in their own causes, or in such wherein they were interested, either by relation of kindred, tenure, service, dependence, or application.' This is certainly a very natural account of the operations of such consequences as would be apt to follow, in the absence of a general controlling jurisdiction, such as did not exist in the colonies, and on this subject Governor Pownall very candidly remarks, that it was no disgrace to many gentlemen, sitting on the benches of the courts of law in the colonies, to say, that they were not, and

could not be expected, to be lawyers learned in the law.* Still, in England, the common law arose superior to all these circumstances, and vindicated to itself a character, to which causes could not be equally propitious here.

Although the common law was thus received in all the colonies, as the foundation and main body of their law, Governor Pownall further remarks, that each colony being vested with legislative power, in addition to the circumstance before alluded to, of the exercise of judicial authority, the common law became thereby liable to continual alteration; so that, 'as a great lawyer of the colonies, probably a crown lawyer, had said, by reason of the diversity of their resolutions, in their respective superior courts, and of the several new acts or laws made in them severally, the several systems of the laws of those colonies grew more and more variant, not only from one another, but from the laws of England.' (p. 108.) Upon this point again, Governor Pownall observes, (p. 102,) that 'where the circumstances of a country and people, and their relations to the statutes and common law differ so greatly, the common law of these countries must, in its natural course, become different, and sometimes even contrary, or at least incompatible with the common law of England, so that in some cases, the determinations arising both from the statute and common law, (namely, of England,) must be rejected. This renders the judicatories of these countries vague and precarious, if not arbitrary, and leads to the rendering the common law of the country different, incompatible with, if not contrary to and independent of, the law of the mother country.' In support of these remarks, the following observations are quoted from an author of one of our colonial histories. 'The state of our laws opens a door to much controversy. The uncertainty with respect to them, renders property precarious, and greatly exposes us to the arbitrary decision of bad judges. The common law of England is generally received, together with such statutes as were enacted before we had a legislature of our own. But our courts exercise a sovereign authority, in determining what parts of the common and statute law ought to be extended;

* See Administration of the Colonies, &c. pp. 101, 103.

for it must be admitted, that the difference of circumstances necessarily requires us, in some cases, to reject the determinations of both. In many instances they have also extended even acts of parliament, passed since we have had a distinct legislation, which is adding greatly to our confusion. The practice of our courts is not less uncertain than the law. Some of the English rules are adopted, others rejected. Two things, therefore, seem to be absolutely necessary for the public security; first, the passing an act for settling the extent of the English laws; secondly, that the courts ordain a general set of rules for the regulation of practice.' Governor Pownall observes, that, 'from this representation of things, it is evident that something is wanting to fix determinately the judicial powers,' and further, he deemed it important to make an entire new organization of them, on principles which he suggests, analogous to the general jurisdiction already established by the laws of England, and corresponding to the political constitution of the colonies. Some objection, he supposed, might be raised in the minds of the colonists against the erection of any new jurisdiction, established by powers not known to the laws of the realm; but no solid objection seemed to exist, in his view, to the establishment of courts, 'the laws of whose practice, jurisdiction, and powers, are already settled by the laws of the realm.' It was a question, which he anticipated, whether the crown could, or could not, erect in the colonies, without the concurrence of the legislature, courts of chancery, exchequer, king's bench, common pleas, admiralty, and probate, or ecclesiastical courts. However that might be, he considered it a subject strongly recommending itself to the wisdom of the imperial legislature.

The remarks of Governor Pownall on this subject, are so exceedingly instructive, that we regret that our limits, already considerably encroached upon, will not allow us to extend them. In order to comprehend the subject fully, and at the same time encounter the appalling exhibition he has presented, concerning the causes of the corruption, as the crown lawyers might be pleased to consider it, of the colonial common law, and also apprehend the grounds of his proposed reform, it may be convenient to advert to the actual judicial constitution of the colonies, as understood in theory, and established in practice.

By the theory of the colonial government, the power of administering justice was unquestionably an emanation from the sovereignty. By the constitution of the empire, the king was the fountain of justice. Witness ourself at Westminster was the style in which the current ran in England; and it is a familiar anecdote of the same Solomon, who sat upon the English throne, that he was seized with the fancy to preside, according to the flesh, as the absolute personification of justice. Judicial proceedings were all conducted in the colonies in the name of the king, with the exception of a short period, when our ancestors in Massachusetts Bay undertook to coin their money, and lay down the law in the name of their own supreme majesty,—one of those juvenile exploits of state sovereignty, for which they were afterwards fined, in the loss of their charter, with the penalty of being reduced to the form of a province; and also of having the province of Maine incorporated with the old colony in her boundaries.

This authority of the sovereign, however, was not enjoyed undivided, nor its details undisputed. The crown assumed the power of establishing courts, and retained the actual appointment of judges. This last point was never practically contested, but it was asserted as a principle, by the colonial jurists, that courts could not be erected without an act of their own legislature. It was not contended by the crown lawyers, that the claim of the crown to erect judicatories in the colonies, extended to any right of defining the jurisdiction of those courts, or the laws by which it was to be exercised. They did not assume the power of establishing any new species of authority, unknown to the laws of the realm; but the ground on which they placed the pretension was this; 'The crown names the judge, and establishes the courts, but the jurisdiction is settled by the laws of the realm.' And here the question rested until the Revolution, when it worked itself into the catalogue of grievances. With this limitation of the power of the crown, and this protest against the erection of any tribunal, on principles unknown to the laws, it was evidently the impression entertained, by some of the most liberal and enlightened jurists in the colonies, that there was no constitutional impediment to the establishment of courts, the rules of whose jurisdiction should be previously recognised, defined, and settled, by the laws of

the realm. It appears to be a fact, that all the powers, which existed in the colonies for administering justice, were derived originally from the crown, either through the instrumentality of their charters, or by commissions to the governors. These latter especially contained an express delegation of all its judicial power, and jurisdictions of chancery, admiralty, and supreme ordinary, as well as of common law, and authorised or directed the establishment of courts.*

It is stated by Mr Sergeant, in the sketch of the national judiciary powers, exercised in the present United States, from the first settlement of the colonies, that a general superintending power was exercised by the king in council, by way of appeal from the decisions of the colonial tribunals. The reason of this institution, which is very briefly mentioned by Mr Sergeant, is involved in some antiquity, and is to be explained by recurrence to the early history of England. As the feudal system was confined to the mother country, its polity could only be extended to the colonies by fiction. The county palatine of Durham, presented the first model for their formation; as in the charters of Carolina, Maryland, Maine, and the Caribbee Islands. This was succeeded by a comparison of them of a sudden, to the Dutchies of Gascoigne, or Normandy, which the king held as his own demesnes, *in partibus exteris*, not parcels of the realm, nor properly annexed to the crown of England. From that period the condition of the colonies was considered the same as that of Jersey, which was part of the Dutchy of Normandy. And at this time, there being no precedent for any judicial establishment out of the kingdom, except those of Guernsey and Jersey, relics of the Dutchy of Normandy, which were not considered as united to the realm, appeals were brought not to the court of chancery, nor to the House of Lords, but were made to the king in council, as though he were still duke, according to the ancient custom of Normandy. The same regulations were adopted for appeals. In Jersey, appeals lay in matters of property above the value of three hundred livres tournois; and appeals in the colonies were restricted to cases of three hundred pounds sterling. This

* Pownall's Administration of the Colonies, pp. 85, 105, 110, 111.

Norman Custom, as Governor Pownall calls it, continued to be the corner stone in the construction of their judicial system.

Appeals were frequent to the king in council, from the highest courts in the colonies before the Revolution. Mr Sergeant refers to several in Pennsylvania, and the great case of Vaughan, appellant from a judgment in New Hampshire, in favor of Mason, as proprietor of the province, for lands in Portsmouth, which was argued by counsel before the committee for trade and plantations of the privy council, and on their report ratifying the verdict, judgment was affirmed by the king in council. This is recorded by Dr Belknap, in his history and appendix. Mr Sergeant surmises, that in some instances, the appeal was first to the governor and council, and refers to a case in Lord Raymond, brought from the island of Barbadoes, after going through this process, before the king in council. According to the late Dr Christian's account of it, this is in fact a court of justice, which must consist of at least three privy counsellors; and the usual mode of exercising its judicial authority in committee of the whole privy council. (1 Bl. Com. 232.) Charles the First, pursuing his idea of managing the colonies, as his own separate concern, delegated this appellate jurisdiction to the council, which he established for governing the plantations. This appellate authority, exercised by the king in council, was an anomaly in the system, and was properly confined to those cases, which were considered special flowers of prerogative, such as idiocy and lunacy, and by rather an ill omened association, admiralty. By a very natural process, upon this principle, appeals from the vice admiralty established in the colonies, came to be heard before the same tribunal; and as the jurisdiction of admiralty soon acquired an affinity for matters of exchequer, cases of that kind from the colonies were also carried, by a familiar operation, before the king in council.

Sir William Blackstone states, that whenever a question arises between two provinces in America, or elsewhere, concerning the extent of their charters, &c. the king exercised original jurisdiction therein, upon the principles of feudal sovereignty. And in the case of Mostyn and Fabrigas, which was decided in England just before the Revolution, and after the

publication of the Commentaries, (1774,) Lord Mansfield lays down the doctrine, that no question concerning the seignory can be tried within the seignory; and, therefore, when a question respecting the seignory arose in the proprietary governments, or between two provinces of America, or in the Isle of Man, it was cognisable by the king's courts in England only. The case of the Isle of Man, which was demanded by the Earl of Derby, was in the reign of Queen Elisabeth. The claim of the representatives of the duke of Montague, to the Island of St Vincents, was determined in 1764.

Mr Du Ponceau observes, that the famous case between William Penn and Lord Baltimore, was determined according to the law of England, which in all national matters, he says, never ceased to be the rule of right and wrong. We suppose he refers to the case, as reported by Vesey the elder, which was a bill in chancery, brought by Mr Penn against Lord Baltimore, to compel specific performance of an agreement, relative to difference between them respecting their boundaries. Lord Baltimore was a sort of sovereign prince over the province of Maryland; and Penn was the proprietary of Pennsylvania. Lord Hardwicke entered into an elaborate discussion respecting the jurisdiction, both of the court of privy council and chancery, in relation to questions arising upon subject matters abroad, the result of which was, that the court of privy council could not decree *in personam* in England, unless in certain criminal cases, and the court of chancery could not decree *in rem* out of the kingdom. But notwithstanding the degree of locality attached to the subject of the dispute in that case, the lord chancellor considered it as a matter of contract between the parties, to be executed by their personal acts, in which it was proper for the court to interfere.

In cases where the king himself was a party on one side, and where the colonies were concerned on the other, and which, therefore, could not with any propriety be brought before the king in council, the king's bench exercised original jurisdiction. An instance of this occurred in the famous proceedings of *quo warranto*, on which the charter of Massachusetts was adjudged to be forfeited, by a judgment of the court of king's bench. The general seizure of the charters at this period was so arbi-

trary an act, that public opinion revolted at the mode in which it was exercised. Nevertheless, the king's bench was the supreme court of common law in the kingdom; and besides its general superintending and visitatorial authority over civil or lay corporations, and its prerogative power to issue writs of *mandamus*, its authority was considered, so late as the days of Lord Mansfield, as extending to the extremities of the empire, in order to prevent a failure of justice. If any forum was demanded for determining disputes between the king and colonies, as certainly was expedient under a free system, this tribunal was probably as little obnoxious as any that was established. But the question, concerning the judicial power of the king's bench, stood on very much the same foundation, as the legislative power of parliament. They ranked very nearly as coordinate authorities. Situated as the colonies were, in relation to the English government, they could not be satisfied to regard the king's bench as a constitutional tribunal for this purpose, and its jurisdiction was perhaps about as little relished, as that of the present supreme court of the United States is, by those western states beyond the Allegany, which have no representatives on the bench. As it was, upon the whole, it only pointed to a defect in the system.

The king's bench was also considered the highest court of original criminal jurisdiction in the kingdom, next to the House of Lords, having full authority to hear and determine all capital and inferior offences of a public nature; and, being the *custos morum* of all the subjects of the realm, does not require a precedent in every case to authorise its interference. Several acts of parliament were passed, authorising persons accused of crimes committed in the colonies, to be sent to England for trial. The statute of 35 Hen. VIII was revived for that purpose. The 12 Geo. III contained several capital enactments to this effect, and a particular act was passed, empowering the government of Massachusetts Bay to send to England, or to other colonies for trial, persons indicted for murder in that province. This was complained of as a grievous violation of the principles of common law; on which it was held, that the inhabitants of the colonies could not be transported for trial, to any other part of the realm; that there could be no criminal jurisdiction exer-

cised, except in the province where the crime was committed, or the accused had his domicil, without infringing the right of jury trial from the vicinage, the act of Habeas Corpus, and the common rights of English colonists.

On these grounds it was held to be the general judicial constitution of the colonies, that there existed in them a *jurisdiction preeminently competent to the cognisance of all criminal cases*, exclusive of the appropriate jurisdiction of the admiralty.* How clear and just a conclusion this was, from the cardinal principles of the common law, as a system of criminal jurisprudence, must be apparent to every reflecting lawyer. For the fact itself, that such conclusion was adopted, we refer to the authority of Dr Franklin.

In regard to the jurisdiction of the admiralty, which was emphatically a jewel of the crown, and ranked among the *jura coronæ*, or rights of sovereignty, it was established in the colonies on its appropriate principles; with the further peculiarity, however, that some part of the proper jurisdiction of exchequer was engrafted upon it, by virtue of some of the laws of trade; from which originated a singular usage to dispense with the trial by jury, in cases of this description. This was matter of complaint among the recitals in the Declaration of Independence, but the union became a usage, and the practice remains incorporated with it since the Revolution. It has been doubted in England, whether the jurisdiction of the admiralty was not, in its nature, so perfectly definite, as not to be capable of extension by act of the legislature; but this was in regard to prize, which was held to be an inherent portion of its power. The admiralty is there considered a court of municipal jurisdiction; the jurisdiction of prize was vested in other courts, however, in Scotland; and an act of parliament was required to regulate the practice. Mr Du Ponceau has some remarks respecting the admiralty, as being a perfect and absolute quantity; in respect to which, we have only at present to advert to the existing combination of the not very kindred institutions of the admiralty and exchequer, at least in their original creation, under the magnificent title of the former. *Miratur novas frondes et non sua poma.* We understand it to be a fact, not merely on

* Franklin's Works, vol. i. pp. 297, 300; and vol. v. pp. 355, 356, and notes.

the authority of Mr Burke, that the establishment of the admiralty in this country, before the Revolution, was chiefly as a security for the English navigation laws.

But the greatest defect, in the judicial administration of the colonies, was the want, in most of them, of a court of equity. In the king's governments, as they were called, the governor, or governor and council, officiated after the fashion of chancellors. But many causes contributed to impair the confidence of the community in this arrangement, objectionable as it was, also, on the score of principle. In the charter governments, as of New England for example, there was no chancery at all; and excepting in the power to give relief in mortgages, bonds, and penalties, in all other subjects of equity jurisdiction, the crown and the public were equally without resource. This circumstance explains one fact, that has long been an anomaly in our civil jurisprudence, namely, the practice of petitioning the legislature for relief, and the usage which has long existed, of interfering to afford it in this summary manner. This power was early exercised, to an extent beyond what that of chancery had ever been carried, even, as it was said, of suspending public laws, by mere orders or resolves passed without much solemnity.

The consideration of all these inconveniences, arising from the imperfect system of judicial authority existing in the colonies before the Revolution, led to the suggestion of some expedient for its improvement; and there was one it seems, that had been in contemplation, and was matured by some of the ablest lawyers in the colonies; viz. *the establishment of a Supreme Court of appeal and equity*, not confined to any single colony, but itinerating through several circuits. The arrangement was as follows. Nova Scotia and New England were to compose one circuit; New York, New Jersey, Pennsylvania, and Maryland, a second; and Virginia, the Carolinas and Georgia, the third. It was recommended, that this circuit system should be composed of two persons, at least, for each district, learned in the law not only of the mother country, but of the several governments in such district; that it should have full powers of a court of chancery, as well as of law, on matters brought before it by writ of error, from the several Superior Courts of the district to which it extended; that it should regulate all the courts of law in the exercise of their jurisdiction;

have a general superintendence over inferior courts; and thus become an established tribunal of appellate jurisdiction, which should tend to introduce not only a uniformity among the courts of the different colonies themselves; but also to produce a conformity to the courts of the mother country, in the dispensation and construction of the law.* These details are gathered from the work of Governor Pownall on the Administration of the Colonies; and the influence of a fact of this kind, which we do not remember to have seen referred to, will be at once estimated by those, who recognise in it a type of the present judicial establishment of the Union.

That these opinions, which were undoubtedly not formed without much consideration, were not reduced to actual experiment, was probably owing to the interruption of the Revolution. Other questions had grown up and become confounded with this, which it was beyond the authority of the civilian to settle. This was gradually assuming a revolutionary shape with the rest, so that the course of reform was necessarily suspended, and the voice of the law was subdued in the busy hum of preparation, on the eve of the great conflict. In this unsettled state, in which the subject existed at that period, it cannot perhaps be contended that the colonial jurisprudence had attained the shape of a system to such a degree, as to sustain the character of a universal system. Crude, nevertheless, as it may have been, it is there that we must seek for the elements of the common law of the country.

From this view of the subject it would seem, that the defect in the system of the colonies was one, rather of judicature, than jurisprudence. There was a sufficient fulcrum, the want was a lever. The great desideratum undoubtedly was a general judiciary establishment, with powers properly developed, and well defined, whose province should be to administer those principles of common law, that were equally applicable to their condition under their various local diversities; and the absence of such a provision is only to be supplied, by reflection upon the principles, which actually existed towards the formation of such a general judicial constitution, and also considering the true scale on which the

* Pownall's Administration of the Colonies, &c, pp. 113, 114.

actual institutions of that period were constructed. The colonies at this period had lost their confidence in those, from whom a new organisation would have been expected; and we believe there was at this period a feeling, prevalent in the colonies, unfriendly to any change proceeding from the crown. *Nolumus leges mutari* seems to have been their motto, and at the same time we observe among the causes of complaint against the king, recited in the Declaration of Independence, that he had obstructed the administration of justice, by refusing to cooperate in the establishment of judiciary powers.

From this imperfect review of the state of things before the Revolution, it seems, however, to result, that the general elements of English jurisprudence, excepting its ecclesiastical portion, existed in the colonies actually, or potentially, to such an extent, as to maintain the positions, that were assumed by the patriotic lawyers of that period, and which have been adopted by the soundest constitutional lawyers since. The Congress of the United Colonies, before they proclaimed their independence, in 1774, declared them to be entitled to the common law of England. We know by tradition, that Blackstone was received with delight in the colonies, as the expositor of their law; and that whole editions of the commentary were exhausted in America; and the active, liberal, and enlightened spirit of the American jurists of that age deserved the noble eulogium, which it drew forth from the eloquence of Burke. We may grant that their attention was principally attracted, at that period, to those points of personal liberty and rights of private property, upon which most of the original causes of controversy turned; but these were insisted upon only as constituent parts of the general system of common law, interwoven into the constitution of all the colonies; and where, we may ask, could they have found more genuine and authentic expositions of the truest principles of natural and municipal law combined upon this subject, than in the provisions of the common law, as expressed in Magna Charta, the Petition of Right, the Bill of Rights, and the Habeas Corpus Act? All the acts and declarations of the period, to which we refer, were founded on this idea of a constitutional code of common law for the colonies, existing like that of England, in those legislative resolutions of rights, redigested by the colonial congresses,

and judicial determinations, legal usages, and established precedents, in which the common law consisted. Upon these followed, of consequence, the adoption of all those rules and doctrines, respecting the rights of persons, and laws of property, the definitions of which could be found in America only in that system. The common law was the only general form, to which the elements before referred to had been reduced throughout the colonies; and excepting the provisional establishment of equity powers, in some shape or other, in some of the provinces, together with probate courts, there was no other combination into which those principles may properly be considered to have been condensed. Whatever residue of judicial power and authority there was, remained in a state of suspension, or in the language of the law itself, *in nubibus*.

We believe it has never been denied, that the Revolution rendered us, on the principles of the declaration of independence, if it did not find us already constituted, one people. This Revolution did not dissolve the bonds of society, nor reduce us to a state of nature. The revolutionists were too well read in Locke, and their minds too deeply imbued with the principles of law itself, apart from the authority of writers, to admit a conclusion so barbarous, as that of abandoning all the body they possessed of municipal jurisprudence. There is hardly any person, we apprehend, who has done more to settle this subject, by slow degrees, than the present Chief Justice Marshall. Resorting so little as he does to authority, relying so little on precedent, reposing so much on principle, and drawing so much from the resources of enlightened reason, and profound philosophy, together with the caution that distinguishes his character and the natural moderation of his temper, there is no authority more likely to be referred to hereafter than his own, and there are no propositions, that will probably be found to require less limitation, or better bear the test of revision.

In the case of Livingston against Jefferson, which is found in the first volume of Hall's Law Journal, new series, the Chief Justice makes the following observations; 'When our ancestors migrated to America, they brought with them the common law of their native country, so far as it was applica-

ble to their new situation; and I do not conceive, that the Revolution would in any degree have changed the relations of man to man, or the law which regulated these relations. In breaking our political connexion with the parent state, we did not break our connexion with each other. It remained subsequent to the ancient rules, until those rules should be changed by the competent authority.' To this we may add, that it was the deliberate opinion entertained and pronounced by Chief Justice Ellsworth, while he was on the supreme bench, that the common law of this country remains the same as it was before the Revolution. We may also adduce to this point the opinion of Mr Du Ponceau, that the general system of laws, by which these colonies were governed, has never been repealed, either expressly or by necessary implication, but has always continued to be in vigor, so far as applicable to our varying situation.

The first serious question, that was made on this subject, we believe was by Judge Chase, on the trial of Worrall, in 1798, when he declared it with great energy as his opinion, that the United States had no common law, although the states had. But the common law of one state was not the common law of another; nor was the common law of England the law of any of the states, except so far as they had adopted and modified it by their respective statutes and usages, from which had resulted an endless variety, that could not be reconciled. This opinion, as Mr Du Ponceau remarks, made considerable noise at that time, and produced a vague but strong impression, as Judge Chase was known to be a man of powerful mind and extensive learning, and more addicted by his temper to extend, than to abridge authority. For the sins of his temperament, certainly, rather than the surrender of his trust, this patriotic and independent jurist was summoned to answer before the highest tribunal of his country, on several charges of impeachment; and since his universal acquittal from them, upon a judgment of the Senate, sanctioned by the subsequent voice of the nation, he has been gathered, without a spot on his integrity, to the rest of that race of our political fathers, who have gone to their reward through much tribulation. This opinion, although it did not compose one of the ingredients of his accusa-

tion, gave rise to one of those unfortunate measures of legislation the Sedition Act, which was passed soon after.

This opinion of Judge Chase, from which the Sedition Act resulted as a corollary, was employed by Professor Tucker of William and Mary's College, in Virginia, to combat that of Chief Justice Ellsworth in an essay, in which he exhausted all the diversities, anomalies, and antinomies, that could be brought into any relation to the subject; and this product of a political enthusiasm, he intended to embody as a permanent appendix to the commentary of Blackstone. The opinion of Judge Chase seems to have been reverenced and regarded as a sort of perpetual edict. It served as a text for the instruction of the General Assembly of Virginia in 1800. The Virginia Assembly did not pause at that time, to expose at large what they considered the monstrous pretensions, resulting from the adoption of the principle stated; to wit, that the common law of England was in force under the government of the United States. But besides the evils attending the exercise of such an unlimited criminal jurisdiction, as it opened, it was declared to arrest, or supersede state jurisdictions, and to innovate upon state laws; to assume a range of jurisdiction for the federal courts, which defied definition or limitation; and again, that it had a tendency to involve the existing institutions of federal and state courts in such an inextricable maze of confusion, that it would be impossible to separate their judiciary rights with precision, or avoid the constant and mischievous consequences of a conflict of rival jurisdictions. They, therefore, protested against the passing of any law by Congress, which was founded upon, or recognised this principle, except such parts of the common law, as might have a sanction from the constitution, so far as they were necessarily comprehended in the technical phrases, which express the powers delegated to the government; and also excepting such other parts, as may be adopted by Congress, as necessary and proper for carrying into execution the powers expressly delegated.

The opinion delivered by Judge Chase industriously confines the operation of the common law, as a civil rule, to cases between citizens in states, where the suits are instituted, whether in the federal or state courts indifferently; while

the Virginia resolutions, notwithstanding the broad language of the preamble, more considerately allow it the whole scope of the constitution. That this imagined common law of the Union can be in any manner the same, as the common law of England, Judge Chase positively denies; and what was the source of the common law acknowledged by the General Assembly of Virginia, is, by their instructions, in no wise indicated. The constitution does not clear up this point by any particular definition. It is a very just remark of Mr Justice Story, that the constitution of the United States *presupposes* the existence of the common law.

It then becomes a very interesting topic of examination, to ascertain what this common law is, which is thus, in his language, presupposed by the constitution. This point of inquiry, namely, wherein consists this anteconstitutional common law of this country is one, which Mr Du Ponceau undertakes professionally to answer. In the first place, he says, 'I consider *the common law of England* as the *jus commune* of the United States.' And, secondly, 'I think I can lay it down as a correct principle, that the common law of England, *as it was at the time of the Declaration of Independence*, still continues to be the national law of this country, so far as it is applicable to our present state, and subject to the modifications it has received here in the course of near half a century.' That is, subsequently to the Revolution. This proposition of Mr Du Ponceau is not, we acknowledge, without some embarrassment to our minds, in respect to the point of time, at which he fixes the period of this identification of the common law of this country with the common law of England; for if we apprehend the statement aright, it is, that the common law of England was the common law of this country, at the epoch of the Revolution. We are not quite sure, however, that we do perfectly apprehend Mr Du Ponceau on this point; nor whether there is not a little indistinctness of vision in our own organ, rather than his. We do not imagine, that he means to arrive at such a result by any empirical process; and he, therefore, is not to be understood as attributing any inherent virtue and efficacy to the law of England, as being rendered thereby, at that period, the law of the colonies. Conquered and ceded countries, upon

the principle so correctly considered by himself, retain their laws and preserve their original custom; and much more a country like ours, which had conquered its independence, and achieved its own sovereignty, as a nation. Even the phrase of our *emancipation* was one, which Chatham could not endure; 'for when,' said he, 'were we ever slaves?' The principle of the *lex loci* is observed and respected, in regard to all extra-territorial authority; and the necessity of some medium to connect the existing system, with the antecedent state of jurisprudence, is too obvious to escape so penetrating and philosophical an observer as Mr Du Ponceau. It is proper, therefore, to look further into his dissertation, and compare the sentiments, which he expresses on this subject, with the sound principles upon which he undoubtedly determines to erect his system, and rest his opinion.

Mr Du Ponceau accordingly observes, that 'the common law may be viewed under different aspects; hence the variety of opinions that have been and still are entertained respecting it. Here is an ancient and a modern, an English and an American common law, making in some respects a whole, in some others distinct codes.' In his preface he expresses an opinion, that the English and American common law have been in some manner improperly confounded. We are aware with him, that the common law of England has its various periods, which may be distributed, like the Roman, into *jus antiquum*, *jus novum*, and *jus novissimum*. That which he selects, as the true meridian of the English law, and on which he lavishes his encomiums as the season of the greatest excellence in its history, is the space commencing with the middle of the seventeenth century, and ending at the time of the American Revolution.

'The true era of the common law is the period, which followed the great Revolution of 1648, to the time of our own emancipation. It was then that it assumed that bold and majestic shape, those commanding features, which have made it the pride of the nations who possess it, and the envy of those who do not. During that period, the rights of man have been acknowledged and defined, and limits have been set to the sovereign authority. The prerogatives of the crown (I am speaking here of England) have been ascertained, and restricted within proper bounds; the legislative, executive, and judicial authorities, have taken their re-

spective stations, and know the extent of their several powers; judges have been rendered independent, and juries have been freed from ignoble shackles. The writ of *habeas corpus* has been made effectual, a fair and unexceptionable mode of trial has been provided for cases of high treason. The press has been freed from the unhallowed touch of state licensers. Religious toleration has been established. The hand of arbitrary power has been paralysed; and man has been taught to walk erect, and to feel the dignity of his nature; civil jurisprudence has also been considerably improved, and is in a progressive state of further amendment.' pp. 111, 112.

As Mr Du Ponceau is speaking expressly, in this passage, of England, we do not know in what degree he intends his remarks to apply to the state of the colonies. How the common law, as the common law of England, could have any operation in the colonies during that period, we have no definite idea. The true time, at which the colonies received the common law, was that of their settlement, which was previous to the commencement of the auspicious era, descanted upon with so much animation by Mr Du Ponceau. There is no subsequent point, which we can fix without anachronism, for a general transfusion of its principles; and from that time forth, its improvement arose from its gradual adaptation of those principles to the condition of the colonies, and the adoption of those meliorations of it, which took place during this long interval in England. The power of legislation, upon subjects of common law, was deemed to have ceased in Great Britain, concerning the colonies, in so far, that legislative alterations of its principles were only received in their courts at their election. But judicial determinations, in regard to those principles, by the English tribunals, it is certainly true, carried some air of authority until the Revolution; and the legislatures of some of our states have in reality acted upon no false principle, in suspending the citing of such cases as authorities since the Revolution, although there would be no great harm, perhaps, in permitting them to be read. That there was some affinity, therefore, between the two systems, during this long middle age of the common law, seems quite apparent.

Mr Du Ponceau again observes, 'That the common law was the common jurisprudence of England, and her English

colonies, under such modifications as their peculiar situation required. In all cases for which the local law had not provided, or to which it was not applicable, this national law, (as he terms it,) was the rule of decision.' In this general relation to the mother country and the colonies, he compares it to the civil law, which is called the common law, *jus commune* of Europe; which each separate government has modified, as it thought proper, to suit its own local circumstances; or if it has introduced into its territories new edicts, new laws, and new codes, still the civil law governs in all their common concerns. As the civil law is now in Europe, so the common law in America 'was not indeed paramount to the local customs and statutes, but it was the fruitful source from which principles were drawn to aid in the solution, of all the doubts and difficulties, which arose from them, and the rule by which unforeseen cases were decided. It was a general system of jurisprudence, hovering over the local legislation, and filling up the interstices. It was ready to pour in at every opening it could find. Like the sun under a cloud, it was overshadowed, not extinguished, by the local laws. It lost nothing of its force, its power, or its vigor. It burst in at the moment of the adoption of the constitution of the United States, and filled up every space, which the state laws ceased to occupy.'

If we comprehend Mr Du Ponceau's idea in this glowing passage, it is, that the common law of which he speaks, is neither the English common law, nor the American common law, exclusively, according to the distinction previously suggested by him, but the common law of England and the colonies together, and so continued until the time of the Revolution; and that the whole body of it was adopted with the constitution, to supply all these spaces, which were opened or created for its application, by the operations of the new form of government. So far as Mr Du Ponceau may be understood to speak of the common law of England, as a great reservoir for supplying the jurisprudence of the colonies, we apprehend him to be correct; and we are not prepared at present to deny, that there might have been a certain portion, or residuum of this power, in his own moderate sense of the term, which, of course, remained suspended during our dependant colonial condition; and which

instantly, perhaps, became applicable in the due exercise of the judicial faculty of national sovereignty. Indeed we believe, that in practice, the principles of the common law were immediately, and have always been applied to the civil relations, subsisting between the government, and its officers, and citizens. Some rule was certainly necessary, and we know of none, that could have been so properly adopted. Whether the authority, under which this rule went into operation, was derived entirely from its adoption by the constitution, or whether the principle possessed some previous potential vigor, and elastic force, is a dilemma in which we understand Mr Du Ponceau rather to favor the latter alternative.

While we have no difficulty in conceiving, how a common law could exist in this country upon some principle before the constitution, we have some, however, in apprehending how there could be a common jurisprudence between England and her colonies, during the last century, except under very considerable limitation. That the common law of the colonies, indeed, could not be the same as the exact common law of England, is quite obvious. There could not be in all respects a common law to both countries. There could be no common rule to such various relations, as were divided by the ocean, any more than the same doctrine of real estate can be applied to wild land and cultivated; and that portion of the common law, which Mr Du Ponceau describes, as having been brought into being with the constitution, could assuredly have had no actual existence in this country before the Revolution.

It was very justly remarked by Lord Mansfield, that the law of England would be a very singular science, if it depended on precedents only. Precedents serve to illustrate principles, and to give them a fixed authority. The law, he observes, does not consist in particular cases, but in general principles, that run through the cases and govern the decisions of them. It is undoubtedly true, that the genius of the common law is essentially analytical. Its courts decide nothing but cases; all the rest is mere *obiter dictum;* and it is evident that Lord Eldon's mind, with a strong native cast towards equity, received its original schooling in the common law. It is charged upon the common law as a solecism, by Holcroft, in his novel of Hugh Trevor.

that the rule is always the same, while the cases are different; but such a remark would never be uttered by a man of philosophical reflection. Dr Cooper speaks with more propriety in saying, that 'principles may, with due care, be so clearly expressed, that they will admit of little doubt; while the *innumerable variety of cases, that will come under them*, no effort of human wisdom can reduce to any system *a priori;* they will arise from circumstances, with which we are totally unacquainted; from modes of social intercourse, which will receive their origin, when we are dead.' We are no apologists, more than Dr Cooper himself, for what may justly be deemed bench legislation; but we are warm advocates for that species of legislation, which is wrought by the spirit of the age.

Time is unquestionably the great legislator; and we cease to inquire into the annals of past ages, to find the wisdom that is necessary to guide our own. Changes, therefore, are insensibly wrought in the circumstances of a country, to which it is necessary, that not only the laws themselves, but also the spirit of the laws, should be accommodated. This alteration is not produced; it already exists before it is announced; and excepting those cases, which are proper for the interposition of the legislature, society has yet to invent some more suitable organ for pronouncing it, than its own judicial authority. As for many of those cases, that pass under the odious name of judicial legislation, we conceive they are frequently little else, than a mere sound discrimination and application of the most apt and enlightened principles. We thought there was hardly any reproach, to which the common law of England was less liable, than one of this sort. The complaint has rather been, that it was not sufficiently ductile. It is a maxim of that law, for example, that statutes altering the common law should be construed strictly, and also that no statute ever becomes abrogated, although really reduced to a dead letter, by disuse. And whether this rigid system of precedents, even accompanied with all the original and inherent redeeming excellencies of the common law, but governed at the same time by the impracticable spirit prevailing upon the English bench, ought to constitute the precise rule of municipal jurisprudence for the United States, to be measured at the exact moment of

their independence, without regard to the very considerable changes, that it had experienced and undergone in its actual application to the state of society on this side of the ocean, and without making allowance, moreover, for the more mutable and practical aptitude, which its principles had acquired in the character of a system for the colonies, during the long period of their dependence upon the crown of Great Britain, would be that proposition upon which we should linger a long time, before we gave it our absolute assent.

But the American common law, we apprehend, is in quite another tone and spirit. On this topic we may avail ourselves of the remarks made by Mr Du Ponceau, upon the essential improvements, which civil jurisprudence has undergone in the United States; and this is in those respects, in which he considers the common law to be originally inferior to the civil. He considers it to be still in a progressive state of improvement, and to be becoming more and more 'dignified with American features.' Our landed estates, for example, have become allodial; the traits of the feudal system are nearly effaced, excepting a few forms and phrases, among which, that of *fee simple* still survives. The principles of conveyancing are simplified, and registries established to supersede the ancient form of livery of seizin. Entails, where not abolished, are very easily destroyed. Surviviership in joint tenancy is almost extinct. The laws of descent are assimilated to the rules of succession, established by the Roman law; and the privilege of primogeniture is abolished. 'If children, then heirs.' The intricate peculiarities of English practice in general are less observed; legal proceedings rendered less expensive, and legal rights more easily understood by those, who cannot pretend to be subtle lawyers.

Now the most of these changes were actually effected, and the principles of them all were in operation, and the whole impulse, in fact, communicated before the Revolution. From all this it is moreover apparent, as if of much greater consequence, that the American common law had acquired a spirit of change; and that this spirit had moved over the face of the deep, which was no longer a dead and stagnant surface, but was excited with all the vigor of a new creation. Whatever inflexibility may be arrogated, or attributed to the English sys-

tem, the character of our own is not so harsh and rugged, as many have deemed it; and if such be the true quality of the common law of England in any degree equivalent to the supposition, we regard it as a still further evidence of the actual departure, which the American common law had acquired from it, anterior to the epoch prescribed by Mr Du Ponceau.

That the common law did exist in this country, before the Revolution, is a mere matter of fact, totally independent of any argument concerning its excellence, or any question touching its character as a system. There must be some law in every country, and this was the law of ours; at least until some more satisfactory conclusion can be established. 'But why,' says Mr Du Ponceau, and we take pleasure in borrowing the following beautiful, and somewhat Ciceronian passage, 'why need I go into such a wide argument to prove, what I consider a self evident principle? We live in the midst of the common law; we inhale it at every breath, imbibe it at every pore; we meet it when we wake, and when we lay down to sleep; it is interwoven with the very idiom that we speak, and we cannot learn another system of laws, without learning at the same time another language. We cannot think of right or wrong, but through the medium of the ideas, that we have derived from the common law.' It is the very *ens rationis*, and, as Mr Du Ponceau observes, in another place, is a part of every civil and political institution. In this sense it becomes quite obvious, that the United States must have a general law, not so much arising out of their constitution, as resulting from their condition, suiting itself to their national circumstances, fitting itself to their federal relations, and incorporating itself with their municipal concerns and uses.

A civil community cannot be conceived to exist without a body of jurisprudence; and it is no doubt perfectly correct to say, as has been suggested by one of our most valuable, though least obtrusive jurists, that our present social contract must be supposed to have been formed upon the supposition of certain fundamental principles of social order, derived from the common law, or as he terms it, 'adopted under *our* English common law,' whether expressly referred to by it or not. No language can be more correct, in our judgment, than to say, that this was the element of the constitution. Nor does this phra-

seology exclude the use of the civil law as a principle of interpretation, whenever it may be important to the same instrument. The security of the rights and repose of private society against general search warrants, of the conscious independence of personal liberty against arbitrary seizure or extravagant stipulation, the indemnity of individual property against acts of involuntary benevolence, or in other words, the resistance of taxation without representation; the independence of thought, together with its signs, of speaking, writing, and publishing, as well as the liberty of volition and action, within the bounds of law; these were the topics that were perpetually harped upon out of the common law, and served to fan the flame of freedom on both sides of the Atlantic.

On the same platform of our original common law, we are able to keep pace with the progress of the most enlightened principles of national and public law, and avail ourselves of the advances of general jurisprudence in the improvement of our civil code, or the explication of our political system. In that manner, without doubt, the United States will eventually come to have a common law, 'not that of England, nor of Rome, nor of France, but the common law of the United States.' In that manner, together with that body of natural reason and law, which is requisite for the municipal order of civil society; and those usages, which we have derived from England, and those customs, which were established in the colonies; and those legal principles, that we have already borrowed from other sources, with those that we may hereafter extract from foreign codes, or the future combinations of our concerns and interests, we shall probably acquire a system of common law, suitable to expound and give effect to the constitution, and open a sufficient field for the operation of all the benevolent and equitable principles.

We have expressed our assent to the doctrine of Mr Du Ponceau, respecting the existence of a common law for this country. We acknowledge its necessity to the exposition of the constitution. We admit it was an element floating, if he pleases, in the atmosphere. We regard it still as a vast reservoir of valuable jurisprudence; but we are not satisfied with the correctness of his expression, in calling it the common law of England, and fixing its authority at the epoch of the Decla-

ration of Independence. It seems to us to be beginning with the old phrases of the civil law *Regiam Majestatem.* We are far, as we hope we have already said, from charging upon Mr Du Ponceau the heretical idea of any inherent efficacy, in the law of England at that instant, as binding us *proprio vigore;* and yet something of that kind seems necessarily to be implied, without some kind of *mordant*, or *medius terminus*, to ground the color, or connect the consequence with some immediate cause. And it is difficult to discover, what basis of authority the common law of England could rest upon in this country, at the period of the Revolution, similar in any manner to the authority which it enjoyed in England; or equivalent even to the predominance, which the civil law has obtained upon the continent of Europe. We have even yet to learn how the common law of England, in the capacity of common law of England, could prevail in the colonies during the century after their settlement.

We will add our concession to the criminal law of England, of all the unrivalled excellence that belongs to it as a rule of jurisdiction, and also as a species of jurisprudence connected with all there is valuable in English liberty. But, agreeing with Mr Du Ponceau, respecting the existence of an American common law, independent of that of England, we are induced to give it an origin somewhat beyond the breaking out of the Revolution; and after that period, until the adoption of the national constitution, at which time he represents the whole tide of common law pouring in upon us, there was a considerable interval. At that latter period certainly a foreign code, like the law of England, could have owed its obligation only to our adoption; but a limitation of its authority, like that, would not probably be insisted upon by Mr Du Ponceau. The common law, which constitutes the desideratum in his mind, requires some grounds, for which we must search into the state of things long before our independence; and we may discover it by analysing those general principles and usages, which are to be found in 'that generally received and long established law, which forms the present *substratum* of the laws of every state in the Union.' This is the doctrine of Chief Justice Marshall, and we deem it incapable of any addition or subtraction for its improvement.

We would not undertake to be perfectly confident, however, on any point, on which we might have the misfortune to appear to differ from Mr Du Ponceau, and least of all would we engage in any mere difference about words. Perhaps he is to be understood by his favorite phrase, *common law of England*, as making use of that sort of metaphor in describing the common law of this country, before the revolution, which our forefathers were so fond of employing, in all the models they made of their social and civil institutions. England, before the Revolution, was always called home; and in this way, the common law of the colonies may be deemed to have acquired, and preserved the name of the common law of England. In the same manner the expression may be understood to have been used by Mr Du Ponceau, who in no part of his book is to be considered as having adopted it, without an implied reference to the changes, which the system had undergone in this country. We have no right to understand him in any sense, which a sound view of the subject will not warrant; nor without all those limitations, which the most careful reflection would suggest. Nor are we aware, that Mr Du Ponceau intended anything by the language alluded to, beyond what the most profound analysis of the principles, on which our institutions rest, would authorise. His known precision of language will not allow us to suppose, that he uses any terms without a perfectly appropriate signification; but we are after all inclined to query, whether, on the present occasion, he has sufficiently guarded himself against misapprehension.

ART. VI.—*A Review of the Efforts and Progress of Nations, during the last Twentyfive Years. By J. C. L. De Sismondi.* Translated from the French by PETER S. DU PONCEAU. 8vo. pp. 36. Philadelphia, 1825.

THIS pamphlet was originally written, as an Essay, in the *Revue Encyclopédique*.* It professes to be a survey, taken

* The Revue Encyclopédique is the most valuable foreign journal, which an American can consult, for variety of information and liberality of tone.

at the close of the first quarter of the nineteenth century, of the progress of the civilised nations of the world, during those twentyfive years. The allusion of the author, M. de Sismondi, at the commencement of the essay, to the celebration of the Jubilee at Rome, is very happy, and furnishes a pleasing introduction to his remarks. These remarks are sensible, liberal, not remarkable in general for depth or originality, probably not drawn up by the author with any great care, nor designed for permanent use, as a political treatise. Though they are evidently the production of a person, who stands in the first class, and that not a numerous one, of political writers; we presume M. de Sismondi himself could easily produce such an essay every month, without any sensible interruption of his graver studies. For this, and other reasons, we have no intention of entering into a formal critique of a performance, not designed to undergo that kind of test. Nor shall we deem it necessary to correct a few trifling errors, into which the author has, we believe, fallen. One or two, relating to our own country, have been briefly noticed by the learned translator of the tract, M. Du Ponceau. We would only observe, that it appears to us to be incorrectly stated, that the language of Wallachia, Moldavia, Bulgaria, and Servia is unwritten; and erroneously *implied*, that the same language prevails in those four principalities. Neither of these propositions we believe to be correct.

But without dwelling on trifles like these, we beg leave to offer to our readers a few remarks, which have occurred to us, in reading this pamphlet, relative to the political circumstances under which it was composed, and some of the subjects, which it treats.

The position of the writers in France, who defend liberal principles, M. de Sismondi of course among them, is constrained, and produces an unsatisfying generality in their propositions, and an occasional want of entire fairness. The law imposing a preliminary *censure* on the press, a law which had been repealed toward the close of the reign of Louis the Eighteenth, after a short revival during the period of his last illness, has again ceased under the new king to exist. The substantial operation of the law, however, by no means ceases with its nominal repeal. It may, in fact, almost be said, that

the repeal of this law is more unfavorable to the true freedom of the press, than its existence. Unless we suppose, that the repeal is produced by a real and radical change of policy; that the king and his ministers have utterly renounced the doctrine, that the peace and safety of the state require a guard to be placed over the press, (and no such supposition surely can be made,) the repeal of the law shows only, that the government party feels itself strong enough to punish, and therefore thinks it needless to incur the odium of preventing the offences of the press. The repeal of the law shows, that the courts and juries can be depended on to serve the government, as faithfully as the censor and the police officer; and this state of things is certainly more unfriendly to the real freedom of the press, than a preliminary examination of everything proposed to be published. This last system throws immediately upon the executive government the odium of restraining the press; but a rigid construction and prompt execution of laws punishing its abuses, while they impose a restraint scarcely less effectual, throws upon the law and its administration the odium, which would otherwise rest on the executive. In this case, as in many others, it is of less consequence, what the form or the letter of the law is; but everything depends on the spirit and power of the government. In France, the royal government is probably as strong as that of Napoleon, for all purposes of internal administration; and there can be no exaggeration in saying, that its spirit is as hostile to real political liberty as his.

We see in the little pamphlet under consideration, the proof of these positions. An essay by a distinguished French political writer, on the progress of free institutions for the last twentyfive years, ought naturally to make France the prominent object in the picture. The astonishing events, that have crowded so rapidly upon each other in that country, events whose political connexion afford a more instructive, though a less attractive spectacle, than their military history, would naturally stand out with a boldness and distinctness, proportioned to their importance, not merely in the eyes of Frenchmen, but of the statesmen of the civilised world. Five revolutions even within the quarter of a century; the action and reaction between the government and people, under circumstances of unexampled interest and moment; the singular and almost

paradoxical spectacle of a despotism, deriving strength from a passion for liberty, and retaining the popular enthusiasm, which had been excited to destroy former equally despotic and more odious institutions; the quiet succession of the restored government to most of the abuses, which constituted the great grievance under the empire; and the romantic cast given to affairs, by the versatility of individual character, which the state of the times had called forth; these are traits in the picture of the last twentyfive years in France, which, under a true liberty of the press, would, in an essay by M. de Sismondi, have been displayed in the strongest, and most eloquent forms of illustration and contrast. Half the power, with which he rules among the Colonnas and Barbarinis, the di' Medici and the Viscontis, would have set before us a very different array of facts and reflections, from that which he has given us, under the head of France.

If it seem unreasonable to quarrel with him for not speaking out boldly, of what has passed in his own country, inasmuch as it is unreasonable to find fault with any man, for the defects and misfortunes of the situation, in which he is placed, we may at least murmur at his indulging in statements nominally true, but substantially unfounded. M. de Sismondi first admits, that during the last twentyfive years in France, and he means in the latter portion of that period, 'morality has suffered by the progress of hypocrisy and venality; knowledge, by the opposition which has been made to the best mode of public instruction; and liberty, by the encroachments, which it is *unnecessary* to recapitulate here.' After this concession, he puts in the other scale what France has gained 'in the progress of prosperity;' and then concludes thus; 'lastly, by way of compensation for the part of her rights which she has lost, France is in possession of the LIBERTY OF THE PRESS. This valuable privilege secures the empire of thought and of elevated sentiments, and is, consequently, the most powerful engine towards the improvement of the human race.' We can scarce conceive it possible that a keen, sagacious reasoner, and a lover of liberty, can talk of the compensation a nation can receive for a part of its lost rights. There is no such compensation; there never can be. M. de Sismondi does not

regard man as a part of the animal stock of the country, which needs for the improvement of its condition only to be well pastured and well stalled; to be safely tied up to good provender. He places political welfare 'in the empire of thought and of elevated sentiments.' What compensation, then, can he even conceive for the smallest right wrested or abridged, by the power of the government? Does not a state of things, where some rights can be thus taken away, imply the insecurity of all? Does it not make the word *right* a mockery, and put the liberty of the people on the old footing of sufferance; a footing, which may be enlarged by a good natured prince and a skilful cabinet, because it can be contracted whenever circumstances or views of policy change? Above all, is it not somewhat incongruous to boast of the liberty of the press, in the very paragraph, in which M. de Sismondi finds it *unnecessary*, (that is, *unsafe*,) to point out the encroachments on liberty, which he says have taken place?

We can inform M. de Sismondi that, in the true theory, nay, in the practice of our own country, and to a considerable degree of England, one systematic encroachment on liberty would be regarded by the people, as the forfeiture of their entire birthright. It may sound like trite declamation,—here it is so, but in France it seems even the *liberals* have not got so far; that the value of liberty consists not in the results, but in results as effected by the means. We do not want to be bayoneted into comfort. At the *Theatre François*, the immense throng of persons crowding for tickets is marshaled by the *Gendarmerie* into a regular *cue*, which reaches a quarter of a mile. This example is a fair test of our principle. This arrangement is convenient, it is equitable, it is comfortable. But we presume the people of England, we are sure the people of America, would, if necessary, expend the last drop of their blood, rather than have this comfort forced upon them; although if it could incidentally be brought about, or certainly if their own General Court or Congress, after thorough discussion, adopted the measure, it would go very quietly into operation. When Madam de Stael, combining the sagacity of a statesman, with the dexterity of a courtier, and the grace of a French woman, told Alexander that his character was a constitution

to his people, the Emperor replied, and a more sensible reply was never made, that if it were so, he was only a happy accident to his people. This reply comprehends the whole theory of the vicious effects of despotic government; that is, of a government not springing from the people and directly reverting to them. In Turkey, in China, in Russia, the disguise may be a little thinner; in Prussia, in France, a little more studiously worn; but the principle, that the people are to hold the means of improvement by sufferance, and as a gift, is the same in all; and this principle is fatal to freedom. It is in vain to rail against the abuses of popular government; the excesses of an excited, infuriated mob. What violence can the mob do to liberty, to be compared with that most terrific form of a mob, a standing army? It seems to be forgotten, that its materials are the same; or if there be any difference, that the standing army is made up of the more needy, thriftless, and desperate. In the form of a mob, it is indeed terrific, a perfect image of horror, a political tornado, uprooting, overturning, and crushing all in its path. But it wants organisation, permanence, resource, and recognised political existence. The paid, the uniformed, the disciplined mob bursts open no prisons, and sets no cities on fire; but in its very nature it is incompatible with liberty. It is every way a curse; more fatal where it protects than when it oppresses.

Did we intend to go into an analysis of M. de Sismondi's pamphlet, we should object to his account of Germany, of which he says, 'henceforth there are no rights in any manner established, and Germany has ceased to be a nation. Nothing is now to be found there, but princes, more or less weak or powerful, and more or less trembling on their thrones before their subjects or neighbors. The ancient country of war and politics has no longer any weight in the balance of Europe.' These must surely have been sentences, which dropped from the pen, while the printer's messenger was hurrying at the elbow. They appear to be destitute of meaning, or possess it only for the purpose of self contradiction. The Germany, of which M. de Sismondi speaks, includes Prussia and Austria. Have these no weight in the balance of Europe? We see not why 'the ancient country of war and politics,' must be said to

have lost a particle of its weight in the general scale. It never was organised into one efficient mass, but it never was so much consolidated as now. The negociations of two cabinets are now sufficient to launch the whole disposable force of Germany, from the sands of Westphalia to the foot of the Carpathians, on any designated object. But again, M. de Sismondi sees in Germany nothing but princes more or less powerful, and more or less trembling on their thrones, before their subjects or their neighbors. That there is no great danger of the subjugation of any German state to an extra-Germanic power, we think we need not urge. Russia, of course, is the only state to be feared; and though Russia may well be admitted to be a state, capable of becoming formidable to almost all others, yet the danger is not so near, not so definite, not so distinctly in the train of events, that it is a subject of practical apprehension. We do not believe, that the Prince of the Lippe, nor Henry the Sixtyfifth, of Reuss-Gratz, though their dominions may extend some ten miles in length, entertains the least fear of the Russian peace establishment of eight hundred thousand bayonets. Before they could suffer, the Elbe must be crossed, Bohemia traversed, Berlin and Vienna occupied, France and England overawed. Were Alexander a Napoleon, we admit all this might be compassed. But being not a Napoleon, a series of events, such as we have intimated, is plainly not written in that chapter of accidents, to which his imperial majesty compares himself.

But the German princes, says M. de Sismondi, are more or less trembling on their thrones before their subjects. We fear, at this moment, in the words of a personage of great, but evanescent notoriety, that 'it is rather less than more.' But we grant, or rather we maintain, that the battle is not yet fought out in Germany. Liberty is not put down; the princes do still tremble on their thrones, as their subjects reason upon Constitutions and representative government. The last newspaper we have inspected tells us, that M. Von Humboldt is called to the head of affairs in Prussia. The report may not be well founded, but the cause of arbitrary principles received a shock, in the death of Prince Hardenberg, which it has never recovered in Germany; and even to have his place vacant, (and it has never been filled,) is at least a prosperous 'accident' to

Europe. Austria, or rather Prince Metternich, still holds out; he is probably more than any other individual the Atlas, on whose shoulders the policy of the Holy Alliance rests. Indefatigable, most skilful in the choice of instruments, dexterous to a miracle, plausible, and in his temper not unamiable, the fate of Germany is, in no slight degree, dependant on what may befal the Most Excellent Charles Venceslaus Lothario Metternich Winneburg Ochsenhausen. Whenever this very short named personage may cease to fill his place of dictator in the Austrian councils, the example of Prussia, in the case of Prince Hardenberg, shows that it is not probable, that any successor will be raised to the same degree of power. At all events, we do by no means regard Germany in the disastrous light, in which it is surveyed by M. de Sismondi. He says, in comparing it with France, 'that France made her own revolutions, while Germany only yielded to foreign impulses.' It is not very prudent, in so complicated a train of events, as is furnished by the history of Europe for the last twentyfive years, to ascribe too much exclusively to any one agent. But of the most important revolution in France, that by which Napoleon was overthrown and the Bourbons restored, the Germans may, with great justice, be considered the authors,—the authors in the true sense of the word. It was a spontaneous act of the German people, moved, under many different names, by one national spirit, which led to the defection of the Prussian armies in the French service, the occurrence which gave the character to every succeeding event.

We feel no scruple in saying, that we look upon Germany at this moment, as much 'the country of war and politics' as ever. It is true her princes *are* struggling with their subjects. We believe their subjects will prevail. The Germans are a virtuous, deliberating, rather heavy moulded, but, at the same time, an exceedingly resolute, high minded people. They are a well educated and a thinking people. They speculate on all subjects, with a boldness and originality unknown in any other country. Within seventy years, the entire frame of society in that country has been regenerated, not so much by any very favorable single circumstances, as by the internal conspiring operation of the excited intellect of the country. An entire national literature, rich, various, peculiar, the negative growth of

the soil, but cultivated through a range of studies, seldom embraced by the scholars of other countries, has formed itself among them. The pride and spirit of the people have grown up together with this new demonstration of intellectual strength. Political events have consolidated the country, which now, instead of three hundred sovereign princes, that existed in it before the French Revolution, contains but thirtynine or forty; and all but some six or eight, or rather three or four of these, so inconsiderable, as not to form any separate national interest, nor any diversion from the national strength. If we except Austria, and this is indeed a most important and melancholy exception, the whole of Germany is in as hopeful a state, to say the least, as any country can be, where free institutions have not been long and firmly established; and we are strongly inclined to think, that M. de Sismondi, from want of acquaintance with the character of this people, misconceives its relation to Europe, and the part it must yet bear, in the struggles and wars of liberty.

Did time admit, we might make a few remarks on the subject of Italy, which our author mentions among those, where the good cause has retrograded within twentyfive years. But if we once admit the fact, that the progress of human improvement, particularly that which consists in throwing off dangerous and antiquated abuses, is generally *per saltum*, effected by daring and heroic struggles, after periods of acquiescence, and with intervals of torpor, exhaustion, or preparation, it might not be difficult to prove, that Italy has upon the whole moved onward. Italy was in a frightful state, when the Venetian Republic was dissolved. The overthrow of that power could be considered as no disaster to the country; and if the erection of the Lombardo-Venetian kingdom should have the effect of combining the spirit of the Italians, into one well concerted sentiment of resistance, it will have been, at least, a great public benefit. The great calamity of Italy, as of Germany, has been the severance of the members of that beautiful country, into rival and hostile states. The Austrian chains, which bind them together, produce the benefit of union in one cause, though that is a suffering cause. No matter where the union begins, it is better than the want of union. We perceive in the secret

societies, which have grown up in Italy, by the operation of oppressive governments foreign and domestic, the self remedying effect of political evil. The enterprise, patriotism, and resolution of men, in every part of Italy, have been associated to resist the despotism, which was spreading, and crushing the country. There, as in our own America at the epoch of the Revolution, the maxim has been, 'when bad men combine, good men must unite.' The Venetian, the Tuscan, the Neapolitan, and the Milanese, men who never acted before in union, since the *social war*, have been drawn into close and intimate correspondence; have formed ties of brotherhood, which exile has endeared, and blood has consecrated. Whosoever thinks that this is to be without effect, forgets the mode, in which our own independence was brought about. Even the present aspect of things there is not as dreary as it was two years ago. The new Grand Duke of Tuscany declares his resolution to act independently of the cabinet of Vienna, and the new king of Naples urges the withdrawing of the Austrian troops. If the present prospects in Greece are realised, and the appearances of a revived trade on the eastern and southern shores of the Mediterranean should be fulfilled, Italy is in a condition not to lose a moment in receiving the impulse from these events, and in rising to some very important point in the scale of Europe.

We agree entirely with M. de Sismondi in his remarks on the state of Spain, a nation by which the sympathy of mankind has been more egregiously duped than by the Italians, or the French, or any other people, that ever raised a false and deceptive cry for freedom. If we do not mistake the signs of the times, the great reaction, which is impending in Europe, will commence with Spain. And as the rival interests of the great powers will not permit the partition of her continental possessions, these must, of course, sink down into a true barbarism, of which it is not easy to predict the fate. The colonial possessions of the country are nearly all gone. Two or three years will give the rest, the Phillipines probably to the English, and Cuba and Porto Rico to the Colombians; unless our government should imitate the recent example of the English, and institute reprisals for the royal and piratical depredations on our commerce, in which case Cuba would follow the fortunes

of Florida. An accession of extra-continental territory is, however, not to be coveted by us; and it might be the safest policy for the United States to confine themselves, in the event of a recourse to coercion, to assisting the free states at the south of us, in revolutionising the islands. In whatever way the event is brought about, it will, no doubt, very shortly take place.

Having proposed to ourselves to make but a very few remarks, we shall not follow M. de Sismondi through the remainder of his pamphlet. His observations on England, Russia, Greece, and America, are all animated, many of them judicious, and a few profound. The author entertains rational, but elevated and generous views of the career, which appears to be opening on man; and has touched some of the topics, which the prospect suggests, with a discriminating pen. It is indeed almost time, that our political systems were rewritten; and though the liberty of the press, essential to that undertaking, exists only in England and America, yet the continental writers on the liberal side, under the pressure of the constraint to which they are subject, occasionally burst out with a condensed and passionate utterance of truth, a sort of political second sight, the indignant and desperate result of an oppression, which astonishes us by its decision and power. It is hard for our American and English statesmen to work themselves up to the enthusiasm, which befits the aspect of the age. We are too happy, too prosperous, too busy; doing too much to speculate on the whole combined effort, which is making in the free countries, or those who are striving to be so. We are in the procession, crowding, striding intently on; but it is only those, who are doomed to stand aloof, to drop behind the age, and linger on the old wastes, who can fully mark the length, the multitude, the grand array of the triumph; who can see it passing from region to region, winding along the heights of cloud capt mountains, descending like an inundation upon the bosom of the rivers, and compassing new continents in its march. And we may well hope, that on them the great example will not be lost; that they will start up and emulate the career which they witness.

Whether the present political struggle will be confined to the nations where it is now waged, or will extend to others, who give, at present, little hope of entering into it, one thing

is certain, that nations are growing too strong to be governed after the old forms. The economists tell us, that the improvements of machinery in England have produced, in that country, an accession to the laboring power, equivalent to some two or three hundred millions of men. For all the purposes of industry, then, this is the population of England. Were the capital, which puts this machinery in motion, equally divided, this, for nearly all the purposes of political action, would also be the population of the country. And even with the existing enormously unequal division of property, the immense accession to the power and resource of the citizens forms a new element of uncalculated importance, in the social system. Steam engines and spinning jennies, indeed, cannot speak, vote, and clamor for rights; but the men who own them, the men whose industry is associated with their operation, speak, and vote, and clamor, to much greater effect; and the mere power of the government, as far as it is independent of the will of the people, is diminished in equal proportion. We are told the English machinery carried that country through the war with Napoleon and his system. In a good degree it did so; and by parity of reason, it will carry the people through the less violent and bloody, but more momentous war, waging against political abuses. A people, moving with the energy of three hundred millions of working arms, cannot be kept organised in the old way.

The operation of our example is then to come in. We will apply it still to the English nation. They read in almost every newspaper, that crosses the Atlantic from this country, of some convention to amend a constitution. The delegates of the people meet, deliberate, amend the constitution, or pronounce that it needs no amendment, and go home. No estates are pillaged, no alarm is created, no blood is shed. Again, they boast in England that they have a representative government; that one, and that the strongest branch of the legislature, is elected by the people. In practice, indeed, they know that the smaller part of the people has a voice in the election; and that the larger portion of the House of Commons owe their seats to indirect or corrupt means. They look again across the Atlantic; they find this vast country divided into sections, equal in population, sending each its representative to the national councils. Are

these examples to have no effect? What is to hinder the people of England from calling a convention; from meeting in convention; from amending the constitution, in convention; from districting the country into parliamentary districts, in convention? They are not fit for such a government, you say. We reply, no change in the government is proposed. If the English people give, in fact, that sanction, which is now supposed to be given, in theory, to their present system, it will go on. If they will not sanction it, they are fit for the change, and they will have the change. They ought to have it. The government party in England do not rest their cause on the ground, that England is not ripe for giving every man a vote, but on the ground that things are best as they are; that a government, as now organised, of kings, lords, and commons, is best in itself. This, we in America do not believe; this, nobody in England believes, but those kings, lords, and *soi disant* commons, who are parties to the controversy. They are a numerical minority, the commons being falsely so called. They are a physical minority, and an intellectual minority. At present they seem to possess the greater part of the wealth of the country, and by this they subsist. As much of this wealth rests on the faith, by which the national debt is supported, it could stand the first day of a serious awakening in the nation; and there is really, therefore, no strong obstacle to oppose the reorganisation of England, on purely popular and republican principles. This done, an intimate cooperation with us would follow, and in the general result, it is not too much to say, not only that Europe would be regenerated, but that the empire of civilisation might again be pushed into Africa and Asia.

ART. VII.—*Journal of a Residence and Travels in Colombia, during the Years* 1823 *and* 1824. By CAPTAIN CHARLES STUART COCHRANE, of the Royal Navy. 2 Vols. 8vo. London. 1825.

THE progress of South America in the career of revolution, independence, and liberty, is among the remarkable phenomena

of the present age, and supplies a page in the history of man, rich with facts of high and novel import, from which the wise and benevolent may receive equal instruction and pleasure. The enlightened statesman will find his brightest anticipations more than realised, and the friend of human kind will contemplate with delight, a march of improvement in the social, intellectual, and political condition of his race, which no records of previous history have taught him to expect. A tyranny so shameless in its aggressions on the rights of man, so iniquitous and selfish in its motives, and so desolating in its action, as that whose iron arm was stretched over Spanish America, from the bloody era of the conquest down to the beginning of the present century, has never been known at any period of the world, whether civilised or barbarous. Chateaubriand spoke without metaphor, when he said, that 'for every dollar spent in Europe, tears of blood flow in the abysses of the earth in America.' That the day should arrive, when such oppression would be resisted, and a just retribution fall on the heads of the oppressors, was to be expected, but that the struggles of the sufferers should be crowned with successes so speedy and permanent, was more than the most sanguine could have ventured to predict, or even hope.

Within the short space of fifteen years, all Spanish America has shaken off the chains of its servitude, and new and independent governments have been established. The countries, which have respectively instituted separate governments of their own, are Mexico, Guatamala, Colombia, Peru, Chile, and Buenos Ayres. Nature seems to have marked out these divisions, and it is most likely that they will for the present at least remain fixed. Brazil enjoys a sort of anomalous independence, having dissolved its connexion with the old dynasty of Portugal, and set up a government of its own, under a constitution, and the new emperor Don Pedro, who, in his proclamation to the Brazilians published a year ago, bravely bid defiance to the 'Jacobinical and Machiavellian Cortes of Portugal.' This is of course a temporary state of things. The atmosphere of America is not one, which can ever be breathed freely by kings and emperors; crowns will not sit lightly here, and the fate of Iturbide should be a warning to all, who are ambitious of so hazardous a distinction. The experiment of

the last fifteen years, which was begun indeed fifty years ago by the United States, has solved to a demonstration the great problem in politics, respecting the capability of men in a given state of society to govern themselves. Aloof from the governments of the old world, and too remote to be encumbered and crushed by the officious aid of a Holy Alliance, or a jealous neighbor, the South Americans have fought their way to independence; and, notwithstanding they were just emerging from a state of pupilage and degradation, so feelingly described by Bolivar, in his excellent speech at the opening of the Congress of Cucuta, they have nevertheless shown themselves adequate to every exigency. Wisdom has prevailed in their deliberations, and they have been firm, prompt, and persevering in action. Reverses have only roused them to new and more vigorous efforts, and experience has taught them lessons, by which they have not disdained to be instructed and guided.

We do not mean to say, that there have not been civil commotions, tumults, and factions, errors of judgment on one part, and want of principle on another, contests of ambition, interest, passion, ignorance; all these have shown themselves perpetually, and in various forms, and it is no wonder that they should; but it may be affirmed, that the spirit of justice, intelligence, and virtue has triumphed, and it must moreover be allowed, that the praise of the triumph is in proportion to the obstacles encountered and overcome. In some of the republics there will doubtless be further changes, and perhaps civil discords, but the Rubicon is passed, the conflict between despotism and liberty is at an end. Disputes concerning the safest depositories of power, and the best machinery of government, will arise, constitutions will require to be amended to suit the growing intelligence of the people, and improvement of society. Such differences, when confined to discussions, or even to sharp collisions of party, will do good, by quickening the spirit of inquiry, and diffusing a knowledge of political science. The recent able articles in the *Nacional*, published at Buenos Ayres, going into a full examination of the principles of a new constitution proposed for the government, cannot fail to exercise an important influence in preparing the minds of the people for a salutary change. The freedom, and even warmth, with which

all kinds of political topics have been discussed in the papers of Bogota and Caracas, has no doubt contributed very much to the successful establishment of the constitution and laws of Colombia. Who knows how much we are indebted to the essays of the Federalist, and the newspaper wars of that day, for our own Union and the adoption of the constitution? The light elicited by these contests of intellect and opinion, enabled the people gradually to distinguish sound principles from false, and prepared them to incline to the better side. We look for the same results, although by a slower process, in the rising states of South America.

The republic of Colombia has succeeded in attaining a better organisation, than any other of the new states, and, both from the comparative stability of its government, and its great commercial importance, it holds out many objects of interest to the rest of the world. The public seems in a fair way to be fully informed of everything pertaining to this country. Four books of travels in Colombia, and some of them of respectable dimensions, have been published within the last year, three in London, and one in Paris. Our readers must not imagine, however, that the love of adventure, which operates with a charm so magical and resistless on many minds, which carried Ledyard from one end of the world to the other, and hurried Park to an untimely grave in the heart of Africa, has been the ruling motive with all these travellers; nor that, like Thales, Solon, Plato, and other sages of antiquity, they wandered abroad to study the laws, and gather up the fruits of the wisdom and knowledge of other countries. Our adventurers went not out in pursuit of shadowy things like these, but were mainly bent on the more substantial objects of mercantile enterprise and speculation. The Frenchman, M. Mollien, ought perhaps to be excepted from this remark, for it does not appear from his book,* that he had any other motive, than to please himself, and go home and tell what he had seen.

Captain Charles Stuart Cochrane, of the Royal Navy, informs us in his preface, that he visited Colombia with the view of securing an exclusive privilege for the pearl fishery, having previously devised certain 'new expedients,' by which

* Voyage dans la République de Colombia, en 1822 et 1823; par G. Mollien. Paris, 1824.

the divers might be protected from the sharks and other voracious fishes, which infest the seas in those parts, where the pearls are to be found. After obtaining from the Admiralty leave of absence for two years, he sailed for the West Indies, and at length landed on Terra Firma at Laguayra. He made a short excursion to Caracas, thence returned to Laguayra, and sailed to Santa Martha, ascended the river Magdalena in a boat to Honda, from which place he passed up by land to Bogota, the capital of Colombia. On his return he crossed the Andes at Ibagué, Cartago, and Novita to the head of the river Atrato, which he descended to the bay of Choco, and thence sailed along the coast to Cartagena and Santa Martha, at which latter place he took passage for Jamaica.

The events of this tour the author dilates into a journal of two thick octavos, without the least apparent compunction for so heavy a draft on the purse and patience of his readers. He has, moreover, adorned his work with pictures drawn after nature, and beautifully colored. One of the most imposing of these is the frontispiece, exhibiting the traveller himself at full length, leaning pensively with his right arm on a mule, and gaudily dressed in what he calls the costume of the country. But although too diffuse, and carrying with it too much of the air of bookmaking the narrative is not wholly without interest. The author's ill stars lead him into more disasters and hardships, than commonly fall to the lot of travellers, to all of which he contrives to submit with becoming and cheerful resignation. He notes down the results of his observations and experience with spirit and good humor; but few readers, we apprehend, will have the resolution to keep him company to the end of his book, or to follow him through the ambages of his descriptions, without occasional symptoms of weariness.

From Santa Martha, Captain Cochrane went on horseback to Cienega, a distance of about twentyseven miles, from which place there is a water communication to Baranquilla on the Magdalena, where he was to commence his voyage up the river. This short tour was not without its adventures. While fording a small stream, in which the water was breast high to his horse, a *peon*, or native Indian of the country, suddenly made his appearance from a thicket, and accosted our traveller

and his companion. It was night, and the salutation of the savage was not the more grateful to suspicious ears, by coming on the wings of darkness. *Vaya vm. con Dios*, cried our author, putting his Spanish for once, as he believed, to good use, 'go away, and God be with you.' The obtrusive Indian disappeared, and the travellers soon found themselves in comfortable quarters, at the hospitable mansion of the good curate of Cienega. The next morning they rode about a league to Pueblo Viejo, whence they passed in a canoe to Solidad, near Baranquilla.

At this place they arrived on the 25th of March, and were detained nearly a week on account of the feast days, which happened at that season. Nobody would work during the feast days, in fitting out a boat, and no *bogas*, or boatmen, could be employed. On the third of April the equipage was ready, and no wonder it should take a week even of good working time, and with the labor of all the *bogas* of Baranquilla and Solidad, to prepare it, if it accorded with the following description of a travelling apparatus in Colombia, as given in the author's own words.

'To travel in this country,' says he, 'it is necessary to have a small bedstead, so constructed as to be easily taken to pieces, with a *toldo* or covering of tolerably strong linen or blue check, in order to keep out the musquitoes and small sand flies; the threads of a common musquito net, as used in Barbadoes, not being sufficiently close to prevent the sand flies from entering. These are to be procured at Solidad, though roughly made. Pillows, sheets, and blankets should be brought from Europe, as they are here very dear and bad. The bedstead and toldo cost only fifteen dollars, which is reasonable. I paid rather more, having persuaded the workmen, who are excessively lazy, to work on feast day, to which they are ordinarily very averse. The traveller should likewise procure two or three dresses of Holland sheeting, with feet of the same material, instead of stockings; the jacket loose and buttoned to the throat. The white does not attract the sun, and feels cool and agreeable, is easily washed, and will dry expeditiously by being laid on the toldo. Two straw hats are necessary; the one for lying down in the canoe, the other for various occasions; both should have broad brims. Shoes of strong holland with leather soles are most easy and

agreeable to the feet, and a pair of English shooting shoes for landing in the mud. A saddle with holsters is requisite ; a sword, dirk, pair of pocket pistols, a hammock to recline in during the day, two good mats, one to lie on in the canoe, the other fitted to the sacking of the bed, to prevent the musquitoes from penetrating at night,—are amongst other needful precautions. All wine, tea, coffee, chocolate, sugar, and salt, besides dried beef, hams, tongues, live fowls, eggs, and biscuits, with plenty of *tocino* or cured pork fat for frying eggs, should be laid in at this place, together with a sufficient stock of plantains and dried salt meat for the bogas, who are feed, as well as paid, by the traveller, and who, nothwithstanding their abstemiousness at home, devour an astonishing quantity of provisions when living at the expense of others. The requisite cooking utensils are a large copper chocolate pot, a copper vessel for making soup, another for hash and stews, a third flat one for frying eggs, two block tin plates, three dishes, two tin cups for drinking, and a small tin measure for serving spirits to the bogas, who will not work well without a dram each morning of the anise of the country, of which a jar or two must be provided, so as to supply them throughout the journey. Knives, forks, spoons, and small duck table cloths, about a yard square, must not be forgotten.' Vol. I. pp. 86–88.

This is a most formidable array of requisites, and if they are all indeed as essential, as the writer would seem to imply, it is quite evident that a voyage round the globe, whether toward the rising or the setting sun, is a trifling thing compared with an expedition up the Magdalena, in a *toldo* canoe poled by *bogas*. We cannot but think, however, that the author's catalogue of necessaries is much more ample, than any urgency in the case demands. The French *voyageur* above mentioned, who passed up the river from nearly the same place only two months before, makes no such provision for his wants. The work of preparation began in the morning, and by five o'clock, he says, everything was in readiness for his departure,—à cinq heures tous mes effets étaient à bord de ma frêle embarcation. He complains, it is true, that the voyage was tedious and long, *fort pènible et fort longue* but hints not that his sufferings were in any way increased, by a want of suitable bed furniture, changes of apparel, or cooking utensils. In short, it will appear on this, as well as on other occasions, that our author's ideas of comfort are not precisely those of a man, who had passed many of his days in the midst of nature's solitudes. M. Mollien had sailed on the waters of the Senegal, and slept in the

forests of Africa, he had heard the howlings of wild beasts in their native haunts, and had learnt to endure existence as a very tolerable boon, even when deprived of many of the luxuries of civilised life.

We at length find Captain Cochrane embarked on the Magdalena with his companion, in a canoe poled by four *bogas*, and another at the stern with a paddle. From the mouth of this river, to the head of boat navigation at Honda, is a distance of about 550 miles. The current is rapid, and a progress of ten leagues in ascending, is called a good day's journey. Many necessary delays occur on the way, and the voyage is seldom performed in less than a month. Captain Cochrane had infinite trouble with his *bogas*, some running away, others feigning sickness, and others becoming obstinate and refusing to work. These evils he ascribes to a want of a proper code of laws to govern this class of men, and to the custom of paying them before their departure. He says their number on the banks of the river is nearly ten thousand. Their great place of residence is Monpox, where those taken at the outset are commonly discharged, and others employed for the remainder of the voyage. The elements seemed also to conspire against him; thunder showers were incessant, and he was almost daily drenched in rain; the musquitoes were merciless in their attacks, and heeded not the thick leather dress, which he procured on the way, in addition to his formidable outfit; alligators paid him very unseasonable and unceremonious visits; and venomous serpents lurked in the branches of trees overhanging the river, ready to dart upon an unsuspecting victim. With all these calamities, and many others untold, to worry and detain him, it is no wonder that he was doomed to the lingering passage of fortysix days from Baranquilla to Honda. The more fortunate Frenchman performed the same in less than thirty days.

The author relates several rather marvellous anecdotes about alligators. It is very rare, he says, for them to attack any of the human species, but when one has made the experiment and tasted human flesh, he becomes ravenous after that food, and is a terror to all those, who dwell in the neighborhood of his haunts. He is then called *cayman bravo*, and the natives feel no security, till they have joined in a body, and made war upon this foe of human life, and accomplished his destruction; much in the same way as the

good people of Pomfret leagued themselves with General Putnam, to pursue and destroy the famous she wolf, that committed such havoc in the sheep folds of that town and vicinity. The *caymen bravo* frequently amuses himself by lying in a listless posture on the sandy margin of the river, when the natives surround him in a body, armed with muskets and javelins, and commence their attack with such caution and fury, as to overcome the unsuspecting enemy. At other times the aligator is more guarded; seemingly conscious of the hostility existing between him and the human race, he seldom appears on the beach, but seeks for a quiet retreat at the bottom of the river. The natives pursue him even here, and their mode of operation is thus described by the author. 'They select an opportunity when the water is clear, and drop quietly down the river, until they arrive over the spot where the aligator lies, when one of the boldest and most experienced divers leaves the canoe, with a *laso* in his hand, dives to the bottom, places himself by his side, and tickles him under his throat, which causes him to lift his head without opening his eyes, at which moment the diver slips the noose over his head, and instantly reascends to the surface. No sooner does he appear, than the noose is hauled taught, and the end is handed on shore; the whole party land, and the moment the animal is thus brought to the water's edge, they despatch him with firearms, and javelins, called by them *matteculebras*.' It is proper to add, that the author did not see this exploit performed, although he had the account from such sources, that he considers it entitled to implicit credit.

The food of the alligators is chiefly fish, but they devour water fowl, and have a treacherous practice of seizing their victims, 'by rising suddenly under them and pulling them down by the legs.' This reminds us of the Chinese mode of catching ducks, mentioned by Buffon. The duck catcher ascertains a place, in a small lake or still creek, where a flock is in the habit of swimming apparently for amusement, an hour or two each day. In this place he sets afloat several calabashes, or gourds, the company of which on their first return the ducks do not seem to relish; but seeing no harm done, their shyness gradually wears off, and at length they swim among the calabashes with perfect unconcern. When

this degree of familiarity is attained, the duck catcher puts a large calabash over his head, with holes for his eyes, and wades gently into the water, with his head only above the surface, till he finds himself in the midst of the ducks, when he commences the same ungracious mode of assault as the alligators, and continues to draw them under water by the legs, till he can secure no more to the girdle fastened for the purpose around his waist. The next day he resorts again to the same stratagem, and with similar success.

But we should never come to an end, if we were to dilate on all the particulars of our author's eventful voyage up the Magdalena. As Honda is the head of navigation, through which all imported goods, that are brought up the river, pass to the capital, it has a custom house. At this place, also, it is usual for travellers to sell their canoe, or *champan*, to merchants for freight down the river. The country around the town is picturesque and beautiful, and the distant view is terminated by lofty mountains. Honda is somewhat more than sixty miles from Bogota, and the mode of travelling is on mules, over a broken road, and at times through a fertile and cultivated country.

After setting us safely down in the capital of Colombia, the author comes no more to our notice for a long time, but betakes himself in earnest to writing a history of the new Republic. This is comprised in four chapters of his work, and constitutes nearly two thirds of the first volume. It is loosely written, but is perhaps as good a historical account as any within the same compass, and coming down to the present time. We allow it this praise, however, mainly on the consideration of its being almost a literal transcript from a valuable work entitled, *Outline of the Revolution in Spanish America*, published in 1817. Down to that period, Captain Cochrane has condescended to copy this work, without venturing to deviate often from the precise language of his original. So far his judgment may be commended, and it would have been creditable to his candor, if he had anywhere hinted to his readers, that he was exhibiting himself to them in a borrowed garb. This he has not done, and we leave him to settle the charge of egregious plagiarism with the publishers of the work, from which he has pillaged so bountifully. This *Outline* may be looked upon, as a book of authority, respecting the revolu-

tionary history of South America, till the date of its publication. The materials were supplied by intelligent South Americans, then resident in London, and they are put together with literary skill and judgment. For the last eight years there is no good history of South American affairs. The compilations that have been made by travellers are meagre, disconnected, and frequently inaccurate. The work published in London, two years and a half ago, entitled *Colombia*, in two cumbersome octavo volumes, seems to have been designed to promote certain commercial projects, connected in some way with Mr Zea's loan, and cannot be regarded as authority, any farther than it professes to be indebted to authors of known credit. The geographical, statistical, and commercial accounts are chiefly taken from Depons and Humboldt; the history is transcribed from the 'Outline,' to the year 1817, and afterwards hastily collected from the common sources. The volumes contain several important and interesting public documents. There are some well written notices of revolutionary events in the *Biblioteca Americana*, recently published in London. Mr Restrepo, the present able and learned secretary of the Home Department in Colombia, is understood to be engaged in writing a history of the revolution. From his known ability, his zeal in the cause, and his perfect acquaintance with the subject, high expectations may justly be entertained of the success of his undertaking.*

The Republic of Colombia is composed of the countries formerly known, as the captain generalcy of Venezuela, and the viceroyalty of New Granada. Its extent from the mouth of the Orinoco, to the western extremity of Panama, in a direct line, is somewhat more than 1300 miles; and from Cape Vela on the north, to the southern limits of Quito on the south, it is about 1100 miles. By an estimate founded on Humboldt's astronomical observations, Venezuela contained 48,000 square leagues, and New Granada, including

* Mr Restrepo's Reports to Congress concerning the internal state of Colombia, and particularly that of 1823, are documents of great value, evincing not more an intimate knowledge of the internal relations, wants, and prospects of his country, than a general enlargement and cultivation of mind. There is a valuable article written by him, entitled *Descripcion de la Provincia de Antioquia*, and contained in the second volume of the *Seminario del Nuevo Reyno de Granada*, printed at Bogotá, in the year 1809.

Quito, 65,000. According to this estimate the present superfices of Colombia, exclusive of Panama, is 1,017,000 square miles, being twelve times larger than the Island of Great Britain, and about the dimensions of the whole territory of the United States east of the Mississippi. It is bounded on the north and east by the Carribean sea and the Atlantic ocean, on the south by the Brazils and Peru, and on the west by the Pacific and the new republic of Guatamala. Reckoning from the mouth of the Orinoco to the Isthmus of Darien on the Atlantic side, and from Panama to the borders of Peru on the Pacific, it will be found that Colombia has a seacoast of little less than 3000 miles in extent. When we consider the central position of this country, in regard to other parts of the American continent, and also to Europe and Asia; when we take into view its geographical features, its large and numerous rivers, its varied soil and climate, its mountains, and forests, and luxuriant valleys, its products and natural resources, its pearl fisheries and rich mines; when we look at these immense advantages, enjoyed under a free government suited to convert them all to their proper ends, and to ensure a perpetually increasing prosperity, we cannot but be impressed with the grandeur to which it must ultimately arise, and the elevated rank it is destined to hold in the family of nations.

The present government of Colombia is founded on principles, nearly resembling those of our own constitution. It is a representative system, having a Congress of two Houses, and an elective President. It differs in two important respects from the fundamental principles of the constitution of the United States; the first is in regard to the mode of elections, and the second in the administration of government in the *departments*, or what we should call the states. The right of suffrage is somewhat curtailed, by making it necessary for every voter to possess a small amount of property, or to exercise some trade, or liberal profession. The people do not vote in the first instance for representatives, but for electors, by whom the senators and representatives are chosen. By a law of Congress passed June 25th, 1824, the Republic is divided into 12 departments, embracing 37 provinces, and 230 cantons. These cantons are further subdivided into pa-

rishes, each of which holds what is called a parochial assembly on a stated day, once in four years, and at these assemblies the electors are chosen by the persons duly qualified to be voters. A representative to congress is assigned to a population of 30,000, and also each *province* is entitled to another representative, when there is a fraction of more than 15,000. The number of electors for each representative is 10, and if the population of the Republic be taken at 2,600,000 which is thought a fair estimate, the whole number of electors will not be less than 860. The number of representatives would accordingly be 86. But in fact both the electors and representatives exceed these numbers, because in case of an additional representative for a fraction, there is a full number of electors, for each fraction, although a less amount of population. On this new division of the Republic, it is supposed the number of representatives will be 95. The senate is established by the constitution to consist of 4 senators from each department, making 48 in the whole. These electors meet once in four years, in the capitals of their respective provinces, and execute the very important duty of choosing on the same day, the President of the Republic, the Vice President, the Senators, and Representatives. The votes are sent up to the congress, where they are scrutinised in the manner pointed out by the constitution. The President and Vice President are elected for four years, and no person can be chosen president more than twice in succession. The representatives are chosen for four years, and the senators for eight. The term of office for one half of the Senate expires at the end of every fourth year, so that only two senators from each department are chosen at the periodical elections.

But the most remarkable deviation in the constitution of Colombia from that of the United States, is the feature by which the government is made a *central*, instead of a *federative* system. The *Departments* exercise no functions of government within themselves, but are under the control of an Intendant, who is nominated by the president; and the *Provinces* are likewise subject to governors appointed in the same way. The powers of these officers are prescribed by the laws of congress, and the same laws apply to all the departments, provinces, and cantons. This was a favorite project with Bolivar, and it was

undoubtedly a wise one, under the circumstances in which the new constitution was adopted. In the year 1811, delegates from the provinces of Venezuela, namely, Margarita, Merida, Cumaná, Varinas, Barcelona, Truxillo, and Caracas, assembled in a general congress at Caracas, declared their independence, and on the 21st of December of that year, ratified a constitution, which was designed to bind them together in a confederacy, bearing a close resemblance to that of the United States. In that state of civil discord, and external hostility, the plan did not succeed. The provinces, which were ravaged or threatened by the enemy, were obliged to look to their own safety, and turn all their resources into channels for their own protection. The consequence was, that the general congress had neither power nor resources to execute its measures for the defence of the union; it became an inefficient body, and was at length dissolved. A military government succeeded, which at last centred in Bolivar as dictator, and it was not till 1819, after a series of almost unparalleled struggles in the fields of war and death, that the people had leisure to think of reforming their civil institutions.

A congress was assembled at Angostura, in Venezuela, where, on the 17th of December, of the last mentioned year, the fundamental law was published, which united Venezuela and New Granada into one state, to be denominated the *Republic of Colombia*. A committee was appointed to draft a constitution, which was adopted on the 30th of August, 1821, by the general congress assembled at Rosario de Cucuta, and is the same which has been in operation till the present time. Its proudest eulogy is, perhaps, that for the space of four years, the government has been administered under it with great firmness and regularity, and with the present prospect of entire success. The time is not likely to come, when it will have more serious difficulties to encounter, than have already been surmounted. We forbear to remark further at present on the constitution of Colombia, as we intend to embrace an early opportunity to give a brief sketch of its history, its principles, and its practical operation. Considering the institutions that may be expected to grow up under it, and the wide influence it must necessarily have in forming the character of a large and thriving population

of one of the finest portions of the earth, it becomes a subject worthy of the interest and inquiry of every liberal mind. The great drawback on the favorable action of any constitution in South America, is the existence of the laws of old Spain, fitted only to be instruments of degradation and imbecility, but which are so closely entwined with the character and feelings of the people, that any violent attempts to eradicate their influence would be equally dangerous and ineffectual. They must be removed gently, and by a succession of new statutes wisely adapted to the purpose, and cautiously administered. The Colombians date their independence from the declaration at Caracas, in 1811, to which we have above alluded. The names of the twelve departments, into which the republic is divided, are the following, Orinoco, Venezuela, Apure, Zulia, Boyaca, Cundinamarca, Magdalena, Cauca, Istmo, Escuador, Asuay, Guayaquil. At the Congress of Cucuta it was decided, that Bogota should be the capital of the republic, and the place of the future assembling of congress, till a new town should be built for the purpose, and named *Bolivar*.

Our readers will doubtless be pleased with Captain Cochrane's description of the Congress Halls of Bogota, and of some of the distinguished personages, who have made a figure in Colombian history, and are now at the head of government.

'The meetings of the Senate,' says he 'are held in a long, but narrow and low hall, in the monastery of St Domingo; the centre is railed off for the members, extending from each side of the President's chair, in straight lines to the foot of the room, where the railing forms a horse shoe, leaving only sufficient space in most parts, for one row of spectators. At the head of the room, on a platform raised about three feet, is placed the President's chair, a fine, stately, ornamented piece of furniture, covered with crimson and gold. In front is a table, ornamented with crimson-velvet, handsomely trimmed with gold lace, and a cushion of the same, with rich tassels; the steps leading to the chair are likewise covered with a cloth of crimson and gold. Over head is a canopy, decorated with silk hangings, and the arms of the republic fixed in front; the whole having a handsome appearance. From the foot of the platform extend two rows of chairs, for the use of the senators, gilt on the inside of the backs, and having the republican arms, and motto *Ser libre o morir*, 'to be free or die.'

There are also several small tables for papers to lie on, or affording materials and means for writing. About half way down on the left of the President, are the secretary's chair and table, with all the various papers to be read on each day. The room is whitewashed, and allegorical figures in watercolors embellish the walls, representing Liberty, Justice, Plenty, &c, &c ; and on the right of the President, is a portrait of Bolivar, placed there by order of the congress.

'In the evening, the hall is lighted by lamps hung down the center of the room. The President has a pair of silver candlesticks ; and any member that wishes may have candles on his small table ; but with all this, the hall requires to be better lighted, in order to produce greater effect.

'The senators are tolerably punctual in attendance, and when the President observes that a sufficient number have assembled, he rings a small bell, silence ensues, he mounts his chair, and the senators take their seats. There are no prayers, as in our English House of Commons, which is remarkable in a Roman Catholic country.

'The President desires the secretary to read over the transactions of the previous day, on which casual observations are made, and any requisite amendments or alterations adopted. This done, any matters declared urgent are read, introduced and discussed ; after which the business for the day, as it stands on the list, is read and commented on.'—

'There are two parties in the House, which is not the case in the Senate. They have obtained the names of the Mountain party, and the Valley party. The former, so named from being returned to serve in congress from the mountainous district, are chiefly priests, several of whom have been named according to the spot they come from ; such as Chimborazo, Cotopaxi, &c, &c ; and some of these names have not fallen badly on the individuals so designated. This is the smallest, but most illiberal party, and indeed carries no weight in the chamber. The liberal, or Valley party, so named from coming from the lower districts, is numerous, and not without priests, some of whom are men whose liberal sentiments would do honor to any country.

'There are some good speakers, but, taken as a whole, by no means equal to the senate. I cannot forbear expressing my admiration at the general decorum observed in both houses. A stranger would never suppose that this was the *first* constitutional congress, everything being so very well, and orderly conducted, as to reflect the highest credit on the nation ; thus holding out a convincing proof to the world of what they will some day become.'

The author next takes us to pay his respects to the heads of the departments, concerning whom he speaks in the following language.

'After mass [on Sunday] it is customary to pay a visit to the Vice President, who holds a levee on this day, from twelve till two o'clock. There is no servant in attendance to announce you; you merely walk up to the general, bow, and retire to the nearest vacant seat; conversation then becomes general, easy, and unembarrassed. The Vice President, General Santander, is above the middle height, strongly made, of a dark complexion, with penetrating black eyes; he wears his hair very long, which, together with large whiskers and mustachios, gives him rather a stern appearance, though I have heard him mentioned in his military and public life as an agreeable man; he is generally dressed in uniform, and sometimes appears in a sky-blue surtout, embroidered like a French marshal's dress-coat; he is an intelligent man, has a great deal of natural accuteness, and is particularly sedulous in his attention to the business of the state—in diplomatic writing he is said to shine.

'General Francisco de Paulo Santander was born at Cucuta, and educated at the college of Bogotá for the profession of the law, which he left to become a subaltern in the patriotic army of New Grenada; and afterwards made one of the few Grenadians who followed Bolivar to the plains of Venezuela, in his fallen fortunes, when Morillo possessed himself of the kingdom of New Grenada.

'His mother and sister (the latter now the wife of Colonel Briceno) remained in Bogota, and on account of their patriotism were in very straitened circumstances, but were still enabled to give, from time to time, very important information to Santander, respecting the state of the kingdom. On the approach of the Patriots, they, becoming suspected, were obliged almost literally to bury themselves alive, to escape the fury of that horrible monster, the Viceroy Santano. From this state they were only released, by the entrance of the patriots, just in time for the son to receive the last breath of his patriotic mother, who had contracted an incurable disease from the dampness of her hiding place, and who declared that she was happy in having lived long enough to see her country free!

'At the close of the successful campaign of 1819, General Santander was promoted to the rank of General of Division, and appointed Vice President of New Grenada, or Cundinamarca, as it was then called, by General Bolivar, and was afterwards elected Vice President of Colombia, by the Congress of Cucuta; both

which situations, by his talents and conduct, he has proved that he highly merited: and to his unparalleled exertions in supplying Bolivar with resources, under the most difficult circumstances, may be mainly attributed the glorious successes of Carababo and Pichincha,—the one giving liberty to Venezuela, the other freedom to Quito.' Vol. ii. p. 90—93.

After visiting the Vice President, the rules of etiquette make it necessary to bestow a similar compliment on the secretaries, and some of the chief members of the congress. In compliance with those rules, Captain Cochrane next presented himself to Señor Gual, Secretary for Foreign Affairs.

'He is considered a man of talent, and has seen more of the world than the other ministers, having, I believe, visited Europe, and passed a considerable time in North America. He speaks the English language fluently; appears to have employed the time he spent out of his country to the greatest advantage, and seems perfectly acquainted with the present state of his native land, its resources, and the means by which it may be improved, and rendered prosperous.

'From thence I went to Senor Castillos, the Minister of Finance; he is an elderly man, and has suffered materially, both in body and property, by the revolution. He has read much, and still dedicates much time to reading, notwithstanding his arduous and engrossing duties. He is possessed of extensive knowledge, and an easy flow of language. His house, of an evening, is the general rendezvous of the best informed people, and I have there passed many agreeable evenings, observing the progress of knowledge in this new state, and picturing in my "mind's eye" the pitch of greatness to which it may be eventually elevated.

'My next visit was to Senor Restrepo, Minister of the Home Department, a good looking, well-educated, polite man, about forty, having the appearance of a gentleman in his dress and deportment. He has suffered much during the revolution, but is now placed in a situation where he is enabled to do much benefit. Even during the government of the Spaniards, he exerted himself greatly in the diffusion of knowledge, and in consequence, was bitterly persecuted on the breaking out of the revolution; for, as increase of knowledge and desire of liberty go hand in hand, it was the policy of the Spaniards to repress all that might have a tendency to expand the mind, or enlighten the intellect, and to launch their vengeance on those persons, the influence of whose superior talent they dreaded, because they knew its power.'—'He is particularly attentive to the duties of his public office, and extremely obliging in all his communications with

strangers. He is a native of the province of Antioquia, which appears to me, generally speaking, to yield many able and gentlemanly men.

'This visit over, I betook myself to the Minister of War, Colonel Briceno Mendez. His appearance is highly prepossessing; he wears uniform; his dress handsome, without being gaudy; his manners good, and he is naturally anxious to please. He appears well informed, and is particularly attentive to the duties of his arduous post, having the direction of the naval, as well as military department, which, in these turbulent times, is a duty of no small responsibility, and requiring great personal exertion. Vol. ii. p. 93—97.

Colonel Mendez has recently resigned the office of Secretary at War, and General Soublette has been appointed to fill the vacancy.

But the most brilliant star in Colombian history. and indeed in the history of modern revolutions, is Bolivar. To whatever it may be ascribed, whether to accident, singular good fortune, the highest order of personal merit, or to all combined, Bolivar has raised himself to an eminent station in the list of successful heroes, and remarkable men. He was born at Caracas, about the year 1785, and is said to be descended from a family of distinction in that place. As a favor granted to very few of the native youths of South America, he was permitted to finish his studies at Madrid. He afterwards visited different parts of Europe, travelled in Italy, Germany, England, and France, and was on very intimate terms at Paris with Humboldt and Bonpland. He returned to Madrid, where he married the daughter of the Marquis of Ulstariz, and soon departed for his native country. His wife did not survive many years, and he has not been married a second time.

While yet in Europe, he had formed the design of devoting himself to the cause of South American independence, when the course of events should point to a suitable time; and as it happened, he arrived at Venezuela just as the standard of liberty was beginning to be unfurled there by Miranda and his associates. Bolivar was not entirely satisfied, however, with the general system of measures pursued by the patriot party, and he avoided taking any active part. He did not approve the new constitution, which the Congress of Venezuela had adopted at Caracas, and he declined a request to be united with Don Lopez Mendez on a mission to England,

designed to promote the interests of the government formed on the principles of this constitution.

But the time soon came when he felt it his duty not to be kept inactive by a mere difference of opinion; the constitution, as it is well known, did not succeed; the wars and disasters, which pressed immediately upon its adoption, proved its inefficiency, and dispelled the hopes, which its friends had entertained, of its power to concentrate the interests and the action of a scattered people, suffering under numerous privations, and engrossed with the necessary care of self defence in different parts. Bolivar perceived, that this was not a time to deliberate on theoretical schemes of government; he joined the army under Miranda, and engaged in the contest with a zeal and patriotism, that raised him to a speedy popularity and influence. From that day to this, his history is in the eyes of the world; it has been a succession of splendid achievements, which have gained for his name a merited place on the same tablet with that of Washington. The brightest records of ancient or modern fame have nothing prouder to offer. Time and future events must show, whether this hero of the South will complete the parallel with his illustrious model, which may thus far be run with so much seeming justice.

In some respects Bolivar's ultimate success has been remarkable. He was several times unfortunate in his early career as a soldier, and more than once his enemies in his own country, as well as those from abroad, triumphed over him. But it is one mark of a great mind to rise above defeat, and restore the confidence which ill success has weakened. His ambition has never been too strong for his integrity, and a sincere desire for his country's good. For a considerable period he was supreme dictator, with all the army at his command; but when a calm was in some degree restored, a congress convened, and a favorable prospect seemed to open, of establishing a solid basis of government, he voluntarily yielded up all his power, and insisted on returning to the rank of a private citizen. This was accordingly done, till he was rechosen by the new congress to be commander in chief of the army, under the constitution and the laws. Twice he has by mere accident escaped assassination. In the first instance the dagger, which was intended for him, was plunged into the heart of his secretary, who happened to be sleeping in the hammock usually occupied by himself.

Energy is the predominant trait of his character. His movements are always prompt, decisive, and rapid, and at the same time directed with so much discretion, that with a force frequently inferior in numbers and discipline to that of the enemy, he has been able to carry through a successful warfare with Morillo, Morales, Monteverde, and other of the most experienced Spanish generals. His generosity has been much praised; he gave his slaves their freedom, and is said to contribute a principal portion of the income of his estate, in affording relief to the widows and children of soldiers, who have lost their lives in battle. As a companion he is social and pleasant, temperate in his habits, abstemious in his diet, and drinks no spirituous liquor. His constitution has suffered by the severe trials, both of body and mind, which he has gone through. His speeches and addresses, which have been published, evince sound and practical views, and adaptation of purpose, rather than depth of thought or great intellectual resources. His celebrated speech at the opening of the Congress at Angostura, we suppose to be his most remarkable effort in this way, and that speech shows at least, that he had studied profoundly the history and principles of various forms of government, and had most seriously at heart the object of establishing that form, which should be best suited to secure the prosperity and happiness of his country.

Besides the persons already mentioned, as having stood in the foreground of Colombian independence, may be added the names of Sucre, Urdaneta, Bermudes, Paez, Montilla, Padilla. For the few hints, which we shall throw out concerning these persons, we shall rely chiefly on the authority of M. Mollien, who speaks from information obtained in the country.

Sucre, who has recently acquired fresh laurels as the hero of Ayachuco, where the great battle was fought that has liberated Peru, is yet hardly thirty years of age. His previous fame rested on the battle of Pichincha, in Quito, which was also gained by him, and procured for him the station of commandant general for that department. Urdaneta is a native of Santa Fé, and distinguished for his bravery and affable, gentlemanly demeanor. He has been president of the Senate, but is in a declining state of health. Bermudes was born at Cumana, and has from the beginning of the contest taken a

very active part for the independence of South America. He is about fifty years of age. Paez, so much known for his valor and the vigorous traits of his character, is a mulatto, and the troops with whom he has accomplished such feats of military prowess, are but half civilized, undisciplined, and of the same color as himself. His influence over his soldiers is surprising; he lives with them on terms of intimacy and equality, shares in their privations, amusements, and exercises, and at the same time, by the high example of his courage, and the native power and firmness of his mind, he commands a perfect respect and obedience.

Montilla formerly served in Spain, and it is said that he looked to the revolution as a means of augmenting his fortune. He resided for some time in this country, and is still recollected in the circles of Philadelphia, as is Señor Gual in those of Baltimore. Montilla is now governor of Cartagena; his influence is extensive, and it is supposed that he looks with no favorable eye on the towering ascendency of Bolivar. He had early differences with Miranda and Bolivar, which do not seem to have redounded much to his disinterestedness or patriotism. He must be allowed, however, to have fought bravely and successfully, and to have done much to aid the progress of the revolution. Padilla is a mulatto; at the beginning of the contest he was a pilot of Cartagena; he has been the artificer of his own good fortune, and his fame is built on important and well directed services. To the larger portion, indeed, of the distinguished South American chiefs, not less than to Bonaparte's Marshals, may be applied the language of Don Quixote, that 'each one is the son of his own works,' *cada uno es hijo de sus obras.* All the generals here mentioned, and who are now left far behind by Bolivar, says M. Mollien, 'seem rather to be his equals, than his subalterns; and in case of his death, or even defeat, it is not impossible that they might put themselves at the head of the party, which they have attached to their interests. In this respect there is a strong resemblance between Bolivar and Alexander. Paez with his negroes will occupy the plains; Montilla, Caracas; Padilla, the coasts; Sucre, Quito. Thus everything depends on the existence of Bolivar.' Such forebodings, by the way, appear to us without foundation. The conduct of these leaders has not been such, as to warrant suspicions of this sort, nor is it just to their past charac-

ters to suppose, that they would in any event be guilty of the folly or the crime, of sacrificing the safety and peace of their country, to the advancement of their own private aims. This would be to defeat the very object, for the attainment of which they have been contending, with so much zeal and bravery, for the last twelve years.

It may, indeed, safely be affirmed, that the prospects of the Colombians have never been so favorable as at this moment. Their foreign enemies have ceased, through weakness, to molest them; tranquillity prevails at home; the constitution has triumphed by an experiment of four years; salutary laws have been passed and published from time to time, and they go quietly into execution; the national credit is well established; the national resources are daily multiplying and becoming more efficient. Such has been the success at the outset of the new government, when experiments were to be tried, and obstacles innumerable to be met; when wars were to be carried on, and armies maintained; when the clamor of party was to be silenced, and the fire of ambition to be tempered and soothed. It is impossible to foresee what accident may bring to pass, but if successful experience is any pledge for future prosperity, it is reasonable to cherish the most encouraging anticipations of the growth and stability of the Colombian republic.

Commerce received a severe check during the revolutionary disturbances, and it is not surprising that it should not yet be restored even to its former channels. It is quite evident from the commercial laws and regulations, that the heads of the new governments were not familiar with the principles, details, and bearings of this complicated subject; they were darkened and perplexed by the old system, and resorted to monopolies and restrictions. A revenue from commerce was absolutely necessary, and it was supposed that keeping up the old monopolies would be the most certain mode of obtaining it, since the people were accustomed to these restrictions, and would submit to them without complaint. If the government could make its own sales and purchases, and on its own terms, it was thought strange indeed, that it should not be able to secure the profits. Hence the ancient monopoly on tobacco was continued as a war tax. The consequence has been, that but a comparatively small amount of this article was produced, and it could not stand the competition of foreign tobacco, even

with a duty of fifty per cent on the latter. The next step was to prohibit importation altogether; then followed smuggling and customhouse frauds, and other devices to elude the laws, and of course to diminish the revenue, which a fair and judicious tariff might have ensured. Another extraordinary piece of legislation was that, which prohibited every kind of Spanish produce. This was meant to injure Spain, but no policy could be more shortsighted. Custom had made the cocoa of Colombia a necessary article of luxury to the Spaniards, and it was surely for the interest of the republic to give them the opportunity of obtaining as much as they could purchase and pay for, both on account of the present profit, and the importance of keeping open so good a market for the future. Again, a decree was issued by the Vice President, which required all foreign merchants trading in the country 'to consign themselves,' as it has been expressed, to the natives, a most singular mode of tempting foreign capital and enterprise to seek a residence in the country, where their influence is of such vital importance to the growth of the nation. It is proper to add, that the decree was not sanctioned by the congress. Several other strange specimens of legislation on this subject might be pointed out, which, as Colonel Hall has well remarked, might with propriety be entitled 'laws for the better security and increase of smuggling.' Knowledge and experience, however, will correct the evils, and it will be seen and felt, that the modern doctrine of *free trade with all nations*, in the most absolute sense of the term, is the only one consistent with a republican system, and that will in the shortest time ensure the highest degree of prosperity to a people.

Two laws in the Colombian code demand special notice, as fraught not more with justice, than a wise and liberal policy. The first relates to the emancipation of slaves, and the second to the establishment of schools, and the encouragement of letters. One of the earliest decrees of the constitutional congress was to abolish slavery. No person can be born a slave in Colombia, and the importation of slaves is prohibited by a severe penalty. Moreover, provision is made for creating a manumission fund by a tax, or legacy, which, according to the old Spanish laws of the colonies, was retained by the government. It is gratifying to learn, that this law goes into effect without opposition from any quarter. A large

number of slaves is annually redeemed by the proceeds of this fund; and to make the ceremony of manumission the more impressive and the more joyful, it takes place on the festival days in the month of December. A strict scrutiny is held by the highest magistrates, into the character of the slaves proposed to be redeemed, and those are selected, who are found to be the most worthy. It ought to be mentioned, also, that instances are frequent in which masters voluntarily give freedom to their slaves.

The law respecting schools was likewise passed by the constitutional congress at its first session, and it embraces provisions for primary schools, colleges, and universities. Mr Restrepo's Report shows, that the government were engaged in this work with great zeal three years ago. Numerous Lancastrian Schools, and a few seminaries of the higher order, have since been put in operation. A portion of the old ecclesiastical revenue is appropriated by law to this purpose, and especially the property of certain monasteries and nunneries. Good books and teachers are much wanted; but the foundation of the system is admirable, and it must ultimately succeed. As a further aid to the progress of knowledge, science, and the arts, all books in every language are allowed to be imported free of duty, and also maps, charts, philosophical instruments, engravings, paintings, statuary, collections of antiquities, busts, and medals. In short, if we look at the body of the Colombian laws, which have been passed under the new constitution, we shall find, that notwithstanding occasional minor defects, they are in the main well considered, recognising all the great principles of a free and practical government, and aiming at the durable prosperity of the nation.

ART. VIII.—*Narrative of an Expedition to the Source of St Peter's River, Lake Winnipeek, Lake of the Woods, &c. &c. performed in the Year* 1823, *by Order of the Hon. J. C. Calhoun, Secretary of War, under the Command of* STEPHEN H. LONG, U. S. T. E. *Compiled from the Notes of Major Long, Messrs Say, Keating, and Colhoun;* by WILLIAM H. KEATING, A. M. &c. Geologist and Historiographer to the Expedition. 2 vols. 8vo. Carey & Lea, Philadelphia, 1824.

To every citizen, who rejoices in the growth and prosperity of his country, the recent enterprising expeditions into our frontier territories afford matter both of congratulation and regret; of congratulation, that so much has been done with means so small and encouragement so feeble; and of regret, that the national legislature has regarded them with so cold an indifference, and helped them forward with so parsimonious and reluctant a hand. It is mortifying in the extreme for an American to reflect, that while the British government, pursuing an expanded and magnanimous policy, are sending its bands of explorers to every region of the earth, to the heart of central Africa, to India, to the numerous groups of Islands in the Pacific, to South America, to the poles themselves, and even to the borders of our own United States, and thereby extending its name, its power, and its influence to every nation of the globe, and opening channels for an intercourse that will contribute in an unlimited degree to increase its riches and its strength; it is mortifying, we say, to witness these great acts of enterprise and spirit in a foreign country, and then come down to the pitiful contrast exhibited by the doings of our own government; that department of it, we mean, which holds the efficient means of enterprise in its power. Three fifths of our wide possessions are to this day a complete *terra incognita*, of which we know little more than we do of the geographical and political features of Monomotapa, or the arctic domains of the emperor of Russia.

Congress did on one occasion, it must be acknowledged, by some unaccountable impulse of generosity, vote a grant of money to fit out an expedition to the Rocky Mountains. But what was the result? The liberal object itself was nearly defeated, by withholding the necessary funds for the support of

the expedition, at the very time when, after conquering many difficulties, it had reached the point, which promised future success, and when the persons engaged in it had become qualified, by a well earned experience, to accomplish the purposes of the undertaking in a manner as perfect and satisfactory, as could possibly be desired. That men, whose ardor was sufficient to sustain them in opposing every obstacle, and whose intelligence was such as to render them capable of thoroughly investigating every object, that came within their observation, should be permitted to enter upon such an enterprise without the instruments necessary for their researches, and equipments essential to their comfort, or that they should be obliged to travel *against time* with a slight reference to particulars the most important in their tour, and this for the sake of saving a few hundred dollars to the nation, was of all attempts at economy the most ill judged, narrow, and preposterous. Such a spirit is unquestionably at war with the best interests of the country. The treasury of these states, instead of swallowing up, like the thirsty sand, all that is poured into it, should resemble the ocean, which, though the recipient of ten thousand rivers, receives them only to expand a vaster surface, whence their substance may again be withdrawn, and returned in fertilizing showers over the land.

The work to which we are now called, is another evidence of the zeal and industry of the valuable officer, who, accompanied by some of the same distinguished naturalists, heretofore performed the expedition to the Rocky Mountains with so much credit to the persons employed, and advantage to the cause of science. Although the present journey was through a country, neither so entirely unexplored, nor so intrinsically rich in natural objects, as that traversed by them on the former occasion, enough has been accomplished to entitle them to much commendation, and impart general interest to the narrative of their labors. When we consider, that they were ordered to perform this journey within eight months, and required not to delay through a winter while on their route, we may well be surprised at the extent and number of their observations.

This will be made the more obvious by presenting, in connexion with a few extracts from these volumes, a general outline of what has been accomplished by the expedition. A sketch of the geography of the country passed over, is

fully and ably drawn by Major Long, in the form of a Report to the Department of War. The regions between the Alleganies and the Ohio river, and between that river and Lake Michigan, and also the territory northwest of the Great Lakes, which was the more immediate theatre of their observations, are all minutely described. An interesting account is also given of the river St Peter, its source, dimensions, and tributary streams.

We select the following observations on the communication between Lake Superior and Lake Winnepeek.

'The hydrography of this region is as yet very defective and although it may be traversed in a thousand directions, must forever remain so, if the shape, magnitude, and position of innumerable lakes embosoming myriads of Islands, and the courses, sinuosities, and declivities of countless channels by which they are united, are deemed essential as rudiments of that science. The country is literary a wilderness of lakes, islands, and peninsulas; a mazy waste, so inhospitable and irreclaimable, as to mock the art and enterprise of man, and bid defiance to his industry.

'The water route most frequented between the Lake of the Woods and Lake Winnepeek, is denominated Winnepeek river, which enters the lake last mentioned in latitude 50° 36′ 30″, and has an extent of about one hundred and seventy miles. It is composed of a series of deep and broad basins rising one above another, and serving as the channel of a huge volume of water, which is precipitated from one basin to another in tumultuous cataracts of the most romantic character. Of these water falls, there are no less than thirty-one in the route above mentioned, which interrupt the passage of canoes, and at all of which are carrying places. The aggregate descent of water in Winnepeek river may be estimated at four hundred and ten feet, which may be considered as the elevation of the Lake of the Woods above Lake Winnepeek. The route by Covert and Sturgeon Dam rivers is probably the most direct, (the lower portion of which is the same with that above mentioned,) but the obstructions are said to be more numerous and formidable, especially in a low stage of water. Besides these there are numerous other deviations from the main route, some of which have been traversed, but the number that remains to be explored is doubtless far greater.

'At the distance of about sixty miles below the Lake of the Woods, Winnepeek river receives a large tributary from the north, called English river, which is of a character similar to that of the principal, and nearly as large as the latter above their

junction. Its head waters interlock with those of Albany river, which empties into James' Bay, and is the principal channel of intercourse between Lake Winnepeek and the trading establishments on that river.

'The Lake of the Woods is about seventy-five miles long, and of irregular widths, from ten to thirty-five or forty miles. Compared with other lakes, it deserves a high rank on the scale of beauty. The scenery is wild and romantic in a high degree, its shores being faced with precipices and crowned with hills and knobs of variable heights, clad with a dense foliage of shrubbery and evergreens. Its surface is beautifully studded with countless islands of various sizes and forms, disclosing between them the continued sheet of its wide-spreading waters, the extent of which enlarges upon the vision as the traveller advances upon the lake, till the main land is shut out from the view by the islands that multiply around him.

'The 49th parallel of north latitude crosses the lake, within the distance of about twelve miles from its southerly extremity.

'The region bordering upon the waters above described, is one of the most dreary imaginable. Its climate is rigorous, its surface exceedingly rugged and broken, and its products so limited and meager, that it seems never to have been claimed as a residence either by man or beast. A solitary moose, caraboo, or bear, is occasionally to be found; and a half-starved family of savages sometimes fix a temporary residence upon some of the water-courses and subsist miserably upon fish, but it seems as if comfort and competency were denied to both.' Vol. ii. pp. 231—233.

'Above the Lake of the Woods, Rainy river becomes the channel of communication, and extends one hundred miles to the lake of the same name. It has an average breadth of about three hundred yards, is deep and gentle, and has no obstructions to its navigation, within forty-eight miles of its mouth; at this distance are situated the rapids of Rainy river, which are about one mile long, and have an aggregate descent of about ten feet. About ten miles further up is another inconsiderable rapid, with a fall of about three feet. At the outlet of Rainy Lake is a rapid of about five feet descent, and two miles and a half below are the Falls of Rainy river, down which the torrent pours with terrific grandeur through an aggregate descent of twenty-five feet in the distance of but a few yards. At this place are situated an establishment of the Hudson's Bay Company on the north side of the river, and one belonging to the American Fur Company on the south. Twenty miles below the falls is the entrance of a considerable tributary from the southwest called the Grand Fork, which affords a channel of communication between the principal,

and Little Winnepeek Lake of the Mississippi, navigable in wet seasons. It receives several other streams of less note. Between the Lake of the Woods and Rainy Lake there is another water route which is sometimes travelled; it is delineated on the map as the back route.' Vol. ii. p. 234.

On the natural features of the country in a military point of view, Major Long remarks as follows.

'In this view it is proper to comprehend not only the extreme northerly frontier of the United States, but to consider it in connexion with the boundary which nature seems to have fixed as the western limit of our population, viz. the Great American Desert. From what has been stated in relation to the country surrounding Lake Superior and extending north-westwardly to Lake Winnepeek, it may be inferred that we shall always remain secure from the inroads of any hostile force in that direction. Indeed the nature of the country is such, as affords a more formidable barrier to the invasions of an enemy, than any *cordon* of posts that art could devise. This barrier is intercepted by a space of considerable extent, including the valley of Red river, and extending westward to the Great Desert, through which there are two considerable passes, the one by the way of the Red and St Peter rivers, and the other by that of the Assiniboin and Missouri, through which an enemy from the north might gain access to the heart of the western country. But when we consider that the policy of the Hudson's Bay Company, in whom is vested the right of soil to all that part of the British possessions drained by the tributaries of Hudson's Bay, is opposed to the colonization of their territory, their interest prompting them to foster the fur trade, the products of which must diminish in proportion to the increase of population, we have very little to apprehend from the attack of a powerful enemy in that quarter. Added to this the utter impracticability of transporting by ordinary means heavy ordnance, and other munitions of war, up Nelson's river, or by any other route to the valley of Red river, must for a long time to come place an enterprise of this nature beyond the reach of any hostile power. Accordingly, under present prospects, no hostilities are to be apprehended in that part of our frontier, except such as may be inflicted through the medium of the savages. A large portion of the Great American Desert, a sterile dreary waste, three or four hundred miles in width, stretching along the eastern verge of the Rocky Mountains, from Red river of the south to Athabasca in the north, a distance of more than fourteen hundred miles, may be added as a continuation of the line of our natural defence. Thus a portion of our frontier, embracing an

extent of nearly two thousand miles, is so well fortified by nature as to require no artificial structures but such as are appropriate in Indian warfare. No regular military works will of course be required on that extent of frontier, except such as may be required to protect the American fur trade, and counteract the hostile purposes of the Indians.' Vol. ii. pp. 241—243.

The geological observations made by the expedition are mostly new, and very interesting. In beginning their journey they took the opportunity to examine the geology of the state of Pennsylvania west of the Susquehanna, in which region they were the first to remark the existence of primitive formations. They subsequently examined with much care the country near Wheeling and Zanesville. The appearance of the limestone, in the space between Lake Michigan and the Mississippi, led to an attempt to refer these formations to analogous European formations, and though these observations are diffidently offered, they are very interesting. The writer of the expedition has not ventured to decide authoritatively, on a question of so much difficulty, but he has stated his views and motives at large, and shown in what manner the rocks resemble or differ from those observed by Conybeare, Friesleber, Buckland, and others. In this part of the route no appearance of lead mines was found.

In relation to the geology of St Anthony, much light has been added to that afforded by Mr Schoolcraft, who had not attempted to show how these rocks were connected with similar ones observed elsewhere. We believe, moreover, that Mr Keating is the first person, who has described from actual observation the nature of the rock on the St Peter; this he has done in the case of the sandstone and limestone, on the lower part of the river, and of the primitive rocks above Patterson's falls, and near the *Lac Qui Parle.*

The first rock, which was afterwards seen *in situ*, was the limestone of Red river, and this, together with the primitive rocks subsequently mentioned, is carefully noted. Superpositions have been traced and described as far as possible, as in the case of the Allegany mountains, of the rocks at Wheeling and Zanesville, on the Wassemos, or west of it, at Fort St Anthony, and the falls, and in various places on Lake Superior. That superpositions were not seen from Lake Winnepeek to Lake Superior is accounted for, by stating that it is doubted whether there is a regular stratification and alter-

nation of rocks, but it is rather held to be an immense, confused, and irregular crystallization, giving rise to many distinct rocks passing into one another. Along the north shore of Lake Superior, traversed by this expedition, no masses of native copper were observed, on the surface of the alluvial matter, but in several places copper pyrites were obtained.

The scenery of the country, which is always nearly and peculiarly connected with its geological characters, deservedly attracted the notice of the expedition, and the descriptions given of it are frequently picturesque and beautiful, deriving a great degree of interest from the peculiar wildness of the country, and the general absence of all animated beings, except the observers themselves.

'It was at our evening's encampment,' says Mr Keating, 'that the splendid scenery of the Winnepeek first displayed itself to our view, realizing all that the mind could have fancied of wild and sublime beauty, and far surpassing any that we had ever seen. The characters, which we admire in the scenery of the Winnepeek, are the immense volume of waters, the extreme rapidity of the current, the great variety of form which the cascades and falls present, and the incomparable wildness of the rocky scenery which produces these falls, and which contrasts by its gloom, immoveable and unchangeable features, with the bright, dazzling effect of the silvery sheet of water, passing from a smooth and unruffled expanse, to a broken and foaming cataract. It is in the effect of the rocky bed of the Winnepeek, that its numerous falls surpass all other which we have seen; the cataract of Niagara, which far exceeds them in volume, is uniform and monotonous in comparison; the horizontal ledges of secondary rocks of the latter are so far inferior in picturesque effect to the dark water-worn granite and sienite of the former, as the height of the bluffs at Niagara exceeds that of the rocky banks of the Winnepeek.

'The falls on this river have another advantage, which is, that the whole country has a picturesque appearance, which prepares the mind, and keeps it in a proper disposition to appreciate the splendor of its cataracts, while the country around Niagara is flat, uniform, and uninteresting.

'The place of our encampment was characterised by one of those peculiar effects of water, which, once seen, leave an indelible impression upon the mind. After having passed over numerous rocks, which form diversified cascades, (the whole height of which is about thirty feet,) the water is suddenly received into a

basin enclosed by high rocks, where it is forced to sojourn awhile, by the small size of the aperture through which it issues; here the waters present the characters of a troubled ocean, whose waves rise high and beat against the adjoining shores, and against the few rocky islands which are seen in the midst of this basin; it is to this character that the spot owes the name which it receives from the natives, "the fall of the moving waters." They may be called the lower falls of Winnepeek river. We reached them in time to watch the beautiful effect of the setting sun, whose beams reflected by the stream imparted to it the appearance of a sea on fire. This was soon replaced by the moon, which cast a more placid light upon the waves, and heightened the charm of the scenery by the melancholy mantle which it spread over it. One of the most imposing characters of these falls is the tremendous noise which they produce, and which, in comparison to their size, is thought to exceed that of Niagara, Montmorency, Schaffhausen, St Anthony, the Cohoes, or other falls which any of our party have ever seen. A scarcity of vegetation covers these rocks and contributes to the picturesque effect of the spot. Instead of the heavy forests which formerly sheltered Niagara, we have here a spare growth of aspen, birch, spruce, and other evergreens, whose size, generally small, adds to the wild and barren appearance of the rocks. The night which we spent near these falls, was one of the most interesting in the expedition; our tents were pitched so that we had a view of the splendid effect arising from the play of the moonbeams upon the surface of this ocean-like basin, and our eyes were constantly bent upon it until the noise of the cataract lulled us to sleep.' Vol. ii. pp. 90—92.

One important service, rendered by Major Long and his party during the present expedition, is deserving of particular notice. They have pursued their inquiries and examinations in such a manner, as to show that some authors, who have enjoyed an unmerited degree of confidence and reputation, are unworthy of such respect; not only because they have very frequently depended exclusively on others for the circumstances they relate, but because they have not hesitated to fill up a large part of their outline from imagination alone. This especially applies to La Hontan, or the monk Guedeville, who assumed this name; and to his humble but ungrateful copyist and garbler, Carver. To be convinced that those, who have been our guides in any research, are unqualified for the office they propose to discharge, may be disagreeable, but it is

an important step towards correcting our errors, and the attainment of truth.

Mr Schoolcraft, who is advantageously known by his travels, and observations on the lead mines of Missouri, has also been corrected in some particulars by the researches of the present expedition. With this we are the more satisfied, as the standing and merited respectability of Mr Schoolcraft are well suited to confer permanency on any accidently erroneous statement made by him. In relation to the Falls of St Anthony, the narrative of Mr Schoolcraft contains an undeserved censure on the statement of that gallant and praiseworthy officer, Pike, who first correctly reported their height. The latter explorer stated, that the perpendicular height was *sixteen* and a half feet. Mr Schoolcraft magnifies it to *forty feet.* Major Long and Mr Colhoun by different measurements ascertained, that the height was between fifteen and sixteen feet. We do not think it necessary to specify the other topics, on which they differ entirely from Mr Schoolcraft, of whose labors they always speak favorably, and no doubt thought kindly. Corrections of this nature should not give offence to any one, since it is impossible for travellers in all cases to avoid misconception, even where their opportunities for observation have been excellent.

Among the most interesting researches, contained in these volumes, are those relating to the aboriginal inhabitants of the countries adjoining our frontiers. In collecting information on this subject, the gentlemen of the expedition have manifested a very praiseworthy diligence, and their exertions have been rewarded by a large amount of valuable acquisitions. So much misrepresentation has existed in relation to these tribes, and so many falsehoods and exaggerations have been published concerning them, that every authentic observation of their social condition and polity, is of the highest value to the philanthropist and philosopher.

A very interesting account is given, in the second volume, of a white man, by the name of Tanner, who was taken when a child by the Indians, and lived with them till he was advanced in life. This account is too long for an extract, and we recommend it particularly to our readers.

At Piqua, on the Great Miami, about seventy miles west of Columbus, the capital of Ohio, the expedition delayed a short time to examine several of those singular Indian works, which,

usually constructed of earth alone, have resisted the influence of time during many ages, subsequent not only to the extinction of the race by whom they were founded, but long after giant oaks, which have grown from the acorn on their summits, have perished and disappeared through the natural agency of extreme old age and decay. Who reared these works,—for what purpose, or by what means? are questions to which we can reply with nothing better than conjectures, and these in all probability as wide of the truth, as the present time is distant from the era when the mounds themselves were constructed. We have no dates, no tradition to aid us, and our best researches bring us only to the conclusion that they exist, and that powerful and numerous nations have ceased to be. Although these monuments are so simply constructed, they would most probably outlast every other work of human art, since they are secured against the injuries of the seasons by the herbage and trees, which are always found clothing them; but they are now sinking speedily under the hands of civilized men, and must soon be no more. The plough has for many years passed destructively over a great number of elevations, which have witnessed the lapse of centuries unmarred, and a few years only will roll away, before the remaining Indians will become finally extinct, and no trace be left of their existence, or of their ancient greatness.

The melancholy interest, inspired by such considerations, awakens many an unavailing regret relative to the Aborigines, who still continue to linger on the outskirts of the white settlements, apparently incapable of perceiving the advantage of living by the products of their industry, and nurtured in habits which are an effectual barrier to improvement. They are exposed to the artifices of the most depraved of their white neighbors, are taught to debase themselves rather than to improve their condition, and must eventually cease to exist as a people, in the midst of every opportunity to become numerous, refined, and powerful.

It is considered by the writers of this expedition very erroneous, to attribute to all the Indian nations a common character, or to suppose them all alike. It is true that the condition in which they live is sufficient to produce very striking resemblances between them; but there are distinctions as remarkable and important as those to be found in their languages, arising from their division into nations, which, for all

that is known to the contrary, may be descended from different original stocks. Those, which are evidently descended from a common parentage, necessarily present the greatest resemblances, as the Potowatamies, Sauks, Ottowas, and Chippewas, who are all derived from the Algonquin race, while the Dacotas, springing from a different stock, are very different from the rest, both in manners and language. The Indians of Algonquin descent speak dialects of the same tongue, have a family badge, or *totem*, as they call it, and do not worship thunder; and it is believed these tribes are not free from the taint of cannibalism. In all these particulars the manners of the Dacotas exhibit essential differences.

To the distinctions, which are dependent on national causes, superstitions, or traditions, may be added others which spring from local and adventitious circumstances. The Dacotas, for instance, living in a country where bisons are found in abundance, make use of skin lodges, are fond of horses, and obtain them whenever it is possible. The Chippewas, who live in a country of lakes where the birch tree is very common, have ingeniously resorted to the bark of that tree for the material of which to construct their lodges and canoes. That this is not a national, but a local usage, is shown by the fact, that the Killistenos, who are of Algonquin descent, live in a buffalo country, and imitate the Dacotas in the particulars above mentioned, while in respect of language, *totems*, and superstitions, they evince their connexion with the Chippewas.

We have incidentally mentioned, that some of these Indians have a disposition to cannibalism, which has sometimes been considered a shocking imputation on the savage character; nevertheless, the evidence collected by this expedition, added to what is found in other works, would seem to establish the fact on very strong grounds. It is by no means common, however, and is most probably falling into permanent disrepute. Under any circumstances, it is important to be fully assured of the existence of such a trait in the character of these tribes, if it actually exists, however repugnant it may be to our feelings. It seems highly probable, that if the savages of this country had been represented according to their actual condition, and not from the extravagant fancy or misconceptions of travellers, they might at this time have been much further advanced in civilization. That they possess many excellent qualities, and a capacity for improvement,

is not to be doubted; but while they continue to be treated with oppression and injustice, and are taught by repeated experience to regard white men as fraudulent and corrupt, it can scarcely be expected from them, however much it may be desired, that they will arrive at a high elevation either in morals or civil improvements.

The Narrative of the expedition appears to have been carefully composed, and is more uniform than that of the former expedition, but not so interesting. The general style of composition is much elaborated; it is a little too ambitious, abounding in occasional superfluous epithets. These are the faults of one, who has not written much for publication, and may easily be pardoned. A more serious objection to the style, is a too frequent use of technical terms in geology and mineralogy, even in the midst of descriptions, where no allusion to these subjects ought to have been introduced. On the whole, however, Mr Keating has accomplished his task, as historiographer to the expedition, with much good judgment, and with the full measure of industry, which a work of so varied a character required, and he deserves the praise not less of successful authorship, than of skill in his favorite science.

The Appendix contains a treatise extending to one hundred and fifty pages, on various objects of natural history observed in the expedition, by Mr Thomas Say, of the merits of which we do not pretend to speak, being fully convinced that no better pledge of its value can be desired by the public, than the name of the author.

ART. IX.—*Alcune Osservazioni sull' Articulo Quarto publicato nel North American Review, il Mese d' Ottobre dell' Anno* 1824. Da L. DA PONTE. Nuova-Jorca. Stampatori Gray e Bunce. 1825.

THE larger part of the above work is devoted to strictures upon an Article on 'Italian Narrative Poetry,' which appeared in Number XLV of this Journal. The author is an eminent Italian teacher at New York. His poetical abilities have been highly applauded in his own country, and were rewarded with

the office of Cæsarean poet at the court of Vienna, where he acquired new laurels as successor to the celebrated Metastasio. His various fortunes in literary and fashionable life while in Europe, and the eccentricities of his enthusiastic character, furnish many interesting incidents for an autobiography, published by him two years since at New York; and to this we refer those of our readers, who are desirous of a more intimate acquaintance with the author.

We regret that our remarks, which appeared to us abundantly encomiastic of Italian letters, and which certainly proceeded from our admiration for them, should have given such deep offence to the respectable author of the 'Osservazioni,' as to compel him, although a 'veteran' in literature, to arm himself against us in defence of his 'calumniated' country. According to him, 'we judge too lightly of the Italians, and quote as axioms the absurd opinions of their insane rivals (accaniti rivali), the French. We conceal some things where silence has the appearance of malice; we expose others which common generosity should have induced us to conceal; we are guilty of false and arbitrary accusations, that do a grievous wrong to the most tender, and most compassionate of nations; we are wanting in a decent reverence for the illustrious men of his nation; finally, we pry with the eyes of Argus into the defects of Italian literature, and with one eye only, and that indeed half shut, (*anche quello socchiuso*,) into its particular merits.' It is true, this sour rebuke is sweetened once or twice with a compliment to the extent of our knowledge, and a 'confession that many of our reasonings, facts, and reflections merit the gratitude of his countrymen, that our intentions were doubtless generous, praiseworthy,' and the like. But such vague commendations, besides that they are directly inconsistent with some of the imputations formally alleged against us, are too thinly scattered over sixty pages of criticism, to mitigate very materially the severity of the censure. The opinions of the Author of the *Osservazioni* on this subject are undoubtedly entitled to great respect. But it may be questioned, whether the excitable temperament usual with his nation, and the local partiality which is common to the individuals of every nation, may not have led him sometimes into extravagance and error. This seems to us to have been the case; and as he has more than once intimated the extreme difficulty of forming a correct esti-

mate of a foreign literature, 'especially of the Italian,' we shall rely exclusively for the support of our opinions, on the authorities of his own countrymen, claiming one exception only in favor of the industrious Ginguené, whose opinions he has himself recommended to 'the diligent study of all, who would form a correct notion of Italian literature.'*

His first objection is against what he considers the unfair view, which we exhibited of the influence of Italy on English letters. This influence, we had stated, was most perceptible under the reign of Elisabeth, but had gradually declined during the succeeding century, and with a few exceptions, among whom we cited Milton and Gray, could not be said to be fairly discerned until the commencement of the present age. Our censor is of a different opinion. 'Instead of confining *himself*' (he designates us always by this humble pronoun), 'to Milton,' he says, 'for which exception *I acknowledge no obligation to him*, since few there are who were not previously acquainted with it, I would have had him acknowledge that many English writers not only loved and admired, but studiously imitated our authors, from the time of Chaucer to that of the great Byron; for the *clearest evidence* of which, it will suffice to read the compositions of this last poet, of Milton, and of Gray.' He then censures us for not specifying the obligations which Shakspeare was under to the early Italian Novelists, for the plots of many of his pieces, 'which silence' he deems 'as little to be commended, as would be an attempt to conceal the light, the most beautiful prerogative of the sun, from one who had never before seen it.' 'And,' he continues, 'these facts should for two reasons have been especially communicated to Americans; first, to animate them more and more to study the Italian tongue; and secondly, in order not to imitate, by what may appear a malicious silence, the example of another nation [the French], who, after drawing their intellectual nourishment from us, have tried every method of destroying the reputation of their earliest masters.' pp. 74—79.

We have extracted the leading ideas, diffused by the author of the *Osservazioni* over half a dozen pages. Some of them have at least the merit of novelty. Such are not, however, those relating to Chaucer, whom we believe no one ever

* Ma bisognava aver l'anima di Ginguené, conoscer la lingua e la letteratura Italiana, come Ginguené, e amar il vero come Ginguené, per sentire, &c. *Osservazioni*, pp. 115, 116.

doubted to have found in the Tuscan tongue, the only one of that rude age in which

'The pure well-head of poesie did dwell,'

one principal source of his premature inspiration. We acknowledged, that the same sources nourished the genius of Queen Elisabeth's writers, among whom we particularly cited the names of Surrey, Sidney, and Spenser. And if we did not distinguish Shakspeare amidst the circle of cotemporary dramatists, whom we confessed to have derived the designs of many of their most popular plays from Italian models, it was because we did not think the extent of his obligations, amounting to half a dozen imperfect skeletons of plots, required any such specification; more especially, as several of his great minor cotemporaries, as Fletcher, Shirley, and others, made an equally liberal use of the same materials. The obligations of Shakspeare, such as they were, are moreover notorious to every one. The author of the *Osservazioni* expressly disclaims any feelings of gratitude towards us, for mentioning those of Milton, because they were notorious. It is really very hard to please him. The literary enterprise, which had been awakened under the reign of Elisabeth, was in no degree diminished under her successor; but the intercourse with Italy, so favorable to it, at an earlier period, was for obvious reasons at an end. A Protestant people, but lately separated from the Church of Rome, would not deign to resort to what they believed her corrupt fountains for the sources of instruction. The austerity of the Puritan was yet more scandalised by the voluptuous beauties of her lighter compositions, and Milton, whose name we cited in our article, seems to have been a solitary exception on the records of that day, of an eminent English scholar, thoroughly imbued with a relish for Italian letters.

After the days of civil and religious faction had gone by, a new aspect was given to things under the brilliant auspices of the restoration. The French language was at that time in the meridian of its glory. Boileau, with an acute but pedantic taste, had drafted his critical ordinances from the most perfect models of classical antiquity. Racine, working on these principles, may be said to have put into action the poetic conceptions of his friend Boileau, and with such a model to illustrate the excellence of his theory, it is not wonderful that the code of the French legislator, recommended,

as it was too, by the patronage of the most imposing court in Europe, should have found its way into the rival kingdom, and have superseded there every other foreign influence.* It did so. 'French criticism,' says Bishop Hurd, speaking of this period, 'has carried it before the Italian with the rest of Europe. This dexterous people have found means to lead the taste, as well as set the fashions of their neighbors.' Again; 'The exact but cold Boileau happened to say something of the *clinquant* of Tasso, and the magic of this word, like the report of Astolfo's horn in Ariosto, overturned at once the solid and well built foundation of Italian poetry; it became a sort of watchword among the critics.' Mr Gifford, whose acquaintance with the ancient literature of his nation, entitles him to perfect confidence on this subject, whatever we may be disposed to concede to him on some others, in his introduction to Massinger, remarks in relation to this period, that 'criticism, which in a former reign had been making no inconsiderable progress under the great masters of Italy, was now diverted into a new channel, and only studied in the puny and jejune canons of their degenerate followers, the French.' Pope and Addison, the legislators of their own and a future age, cannot be exempted from this reproach. The latter conceived and published the most contemptuous opinion of the Italians. In a very early paper of the Spectator bearing his own signature (No. 6,) he observes, 'The finest writers among the modern Italians [in contradistinction to the ancient Romans] express themselves in such a florid form of words, and such tedious circumlocutions, as are used by none but pedants in our own country; and at the same time fill their writings with such poor imaginations and conceits, as our youths are ashamed of, before they have been two years at the University.' In the same paper he adds, 'I entirely agree with Mons. Boileau, that one verse of Virgil is worth all the tinsel of Tasso.' This is very unequivocal language, and our censor will do us the justice to believe, that we do not quote it from any 'malicious intention,'

* Boileau's sagacity in fully appreciating the merits of Phèdre and Athalie, and his independence in supporting them against the fashionable factions of the day are well known. But he conferred a still greater obligation on his friend. Racine the younger tells us, that 'his father in his youth was given to a vicious taste, *(concetti,)* and that Boileau led him back to nature, and taught him to rhyme with labor, *(rimer difficilement.')*

but simply to show what must have been the popular taste, when sentiments like these were promulgated by a leading critic of the day, in the most important and widely circulated journal in the kingdom.*

In conformity with this anti-Italian spirit, we find that no translation of Ariosto was attempted subsequent to the very imperfect one by Harrington in Elizabeth's time. In the reign of George the Second a new version was published by one Huggins. In his preface he observes, 'After this work was pretty far advanced, I was informed there had been a translation published in the reign of Elizabeth, and dedicated to that queen, whereupon I requested a friend to obtain a sight of that book, for it is, it seems, very scarce, and the *glorious original* much more so in this country.' Huggins was a learned scholar, although he made a bad translation. Yet it seems he had never met with, or even heard of the version of his predecessor, Harrington. But without encumbering ourselves with authorities, a glance at the compositions of the period in question, would show how feeble are the pretensions of an Italian influence; and we are curious to know what important names, or productions, or characteristics can be cited by the author of the *Osservazioni*, in support of it. Dryden, whom he has objected to us, versified, it is true, three of his Fables from Boccaccio; but this brief effort is the only evidence we can recall, in the multitude of his miscellaneous writings, of a respect for Italian letters; and he is expressly mentioned, by his accurate biographer Scott, as having powerfully contributed to the introduction of a French taste in the drama. The only exception, which occurs to our general remark, is that afforded by the Metaphysical School of Poets, whose vicious propensities have been referred by Dr Johnson to Marini and his followers. But as an ancient English model for this affectation may be found in Donne, and as the doctor was not prodigal of golden opinions towards Italy, we will not urge upon our opponent what may be deemed an ungenerous, perhaps an unjust imputation. The same indifference appears to have lasted

* Addison tells us in an early number of the Spectator, that 3000 copies were daily distributed; and Chalmers somewhere remarks, that this circulation was afterwards increased to 14000; an amount, in proportion to the numerical population and intellectual culture of that day, very far superior to that of the most popular journals at the present time.

the greater portion of the eighteenth century, and with few exceptions, enumerated in our former article, the Tuscan spring,

'quella fonte,
Che spande di parlar si largo fiume,'

seems to have been almost hermetically sealed against the English scholar. The increasing thirst for every variety of intellectual nourishment, in our age, has again invited to these early sources, and while every modern tongue has been anxiously explored by the diligence of critics, the Italian has had the good fortune to be more widely and more successfully cultivated than at any former period.

We should apologize to our readers for afflicting them with so much commonplace detail, but we know no other way of rebutting the charge, which, according to the author of the *Osservazioni*, might be imputed to us, of a 'malicious silence,' in our account of the influence of Italian letters in England.

But if we have offended by saying too little on the preceding head, we have given equal offence on another occasion by saying too much; our antagonist attacks us from such opposite quarters, that we hardly know where to expect him. We had spoken, and in terms of censure, of Boileau's celebrated sarcasm upon Tasso; and we had added, that, notwithstanding an affected change of opinion, 'he adhered until the time of his death to his original heresy.' 'As much,' says our censor, 'as it would have been desirable in him [the reviewer] to have spoken on these other matters, so it would have been equally proper to have suppressed all that Boileau wrote upon Tasso, together with the remarks made by him in the latter part of his life, as having a tendency to prejudice unfavorably the minds of such as had not before heard them. Nor should he have coldly styled it his "original heresy," but he should have said that in spite of all the heresies of Boileau, and all the blunders of Voltaire, the *Jerusalem* has been regarded for more than two centuries and a half, and will be regarded as long as the earth has motion, by *all* the nations of the civilized world, as the most noble, most magnificent, most sublime epic produced for more than eighteen centuries; that this consent, and this duration of its splendor, are the strongest and most authentic seal of its incontrovertible merit; that this unlucky *clinquant*, that defaces at most a hundred

verses of this poem, and which in fact is nothing but an excess of overwrought beauty, is but the merest flaw in a mountain of diamonds; that these hundred verses are compensated by more than three thousand, in which are displayed all the perfection, grace, learning, eloquence, and coloring of the loftiest poetry.' In the same swell of commendation the author proceeds for half a page further. We know not what inadvertence on our part can have made it necessary by way of reproof to us, to pour upon Tasso's head such a pelting of pitiless panegyric. Among all the Italian poets there is no one, for whom we have ever felt so sincere a veneration, after

'quel signor dell' altissimo canto
Che sovra gli altri, com' aquila vola,

as for Tasso. In some respects he is even superior to Dante. His writings are illustrated by a purer morality, as his heart was penetrated with a more genuine spirit of christianity. Oppression, under which they both suffered the greater part of their lives, wrought a very different effect upon the gentle character of Tasso, and the vindictive passions of the Ghibelline. The religious wars of Jerusalem, exhibiting the triumphs of the christian chivalry, were a subject peculiarly adapted to the character of the poet, who united the qualities of an accomplished knight, with the most unaffected piety. The vulgar distich, popular in his day with the common people of Ferrara, is a homely but unsuspicious testimony to his opposite virtues.* His greatest fault was an ill regulated sensibility, and his greatest misfortune was to have been thrown among people, who knew not how to compassionate the infirmities of genius. In contemplating such a character, one may without affectation feel a disposition to draw a veil

* 'Colla penna e colla spada,
Nessun val quanto Torquato.'

This elegant couplet was made in consequence of a victory obtained by Tasso over three cavaliers, who treacherously attacked him in one of the public squares of Ferrara. His skill in fencing is notorious, and his passion for it is also betrayed by the frequent, circumstantial, and masterly pictures of it, in his 'Jerusalem.' See in particular the mortal combat between Tancred and Argante, Can. xix, where all the evolutions of the art are depicted with the accuracy of a professed sword-player. In the same manner, the numerous and animated allusions to field sports betray the favorite pastime of the author of Waverley; and the falcon, the perpetual subject of illustration and simile in the 'Divina Commedia,' might lead us to suspect a similar predilection in Dante.

over the few imperfections that tarnished it; and in our notice of it expanded into a dozen pages, there are certainly not the same number of lines devoted to his defects, and those exclusively of a literary nature. This is but a moderate allowance for the transgressions of any man; yet, according to Mr Da Ponte, 'we close our eyes against the merits of his countrymen, and pry with those of Argus into their defects.'

But why are we to be debarred the freedom of criticism enjoyed even by the Italians themselves. To read the *Osservazioni*, one would conclude that Tasso, from his first appearance, had united all suffrages in his favor; that by unanimous acclamation, his poem had been placed at the head of all the epics of the last eighteen centuries; and that the only voice, raised against him, had sprung from the petty rivalries of French criticism, from which source we are more than once complimented with having recruited our own forces. Does our author reckon for nothing the reception, with which the first Academy in Italy greeted the Jerusalem on its introduction into the world, when they would have smothered it with the kindness of their criticism? Or the volumes of caustic commentary by the celebrated Galileo, almost every line of which is a satire? Or, to descend to a later period, when the lapse of more than a century may be supposed to have rectified the caprice of cotemporary judgments, may we not shelter ourselves under the authorities of Andres,* whose favorable notice of Italian letters, our author cites with deference; of Metastasio, the avowed admirer and eulogist of Tasso;† of Gravina, whose philosophical treatise on the principles of poetry, a work of great authority in his own country, exhibits the most ungrateful irony on the literary pretensions of Tasso, almost refusing to him the title of a poet.‡

But to proceed no farther, we may abide by the solid judgment of Ginguené, that second Daniel, whose opinions we are advised so strenuously 'to study and to meditate.' 'As to florid images, frivolous thoughts, affected turns, conceits, and *jeux de mots*, they are to be found in greater abundance in Tasso's poem, than is commonly imagined. The enumeration of them would be long, if one should run over the Jerusalem

* Dell' Origine, &c. d'Ogni Lett. Tom. iv. p. 250.
† Opere Postume di Metastasio. Tom. iii. p. 30.
‡ Ragion Poetica, pp. 161, 162.

and cite all that could be classed under one or other of these heads, &c. Let us content ourselves with a few examples.' He then devotes ten pages to these few examples, (our author is indignant that we should have bestowed as many lines,) and closes with this sensible reflection; 'I have not promised a blind faith in the writers I admire the most; I have not promised it to Boileau, I have not promised it to Tasso, and in literature we all owe our faith and homage to the eternal laws of truth, of nature, and of taste.' *

But, in order to relieve Tasso from an undue responsibility, we had stated in our controverted article, that 'the affectations imputed to him were to be traced to a much more remote origin;' that 'Petrarch's best productions were stained with them, as were those of preceding poets, and that they seemed to have flowed directly from the Provençale, the fountain of Italian lyric poetry.' This transfer of the sins of one poet to the door of another, is not a whit more to the approbation of our censor, and he not only flatly denies the truth of our remark, as applied to 'Petrarch's best productions,' but gravely pronounces it 'one of the most solemn, the most horrible literary blasphemies, that ever proceeded from the tongue or pen of mortal!' † 'I maintain,' says he, 'that not one of those that are truly Petrarch's best productions, and there are very many, can be accused of such a defect; let but the critic point me out a single affected or vicious expression, in the three patriotic Canzoni, or in the *Chiare fresche e dolci acque*, or in the *Tre Sorelle*,' &c. (he names several others), 'or in truth in any of the rest, excepting one or two only.' He then recommends to us, that 'instead of hunting out the errors and blemishes of these masters of our intellects, and occupying ourselves with unjust and unprofitable criticism, we should throw over them the mantle of gratitude, and recompense them with our eulogiums and applause. In conformity with which, the author proceeds to pour out his grateful tribute on the head of the ancient laureate for two pages further, but which, as not material to the argument, we must omit.

We know no better way of answering all this, than by taking up the gauntlet thrown down to us, and we are obliged to him

* Tom. v. pp. 368. 378.

† Dirò essere questa una delle più solenni, delle più orribili letterarie bestemmie, che sia stata mai pronunziata o scritta da lingua o penna mortale.' p. 94.

for giving us the means of bringing the matter to so speedy an issue. We will take one of the first Canzoni, of which he has challenged our scrutiny. It is in Petrarch's best manner, and forms the first of a series, which has received κατ' ἐξοχὴν the title of the *Three Sisters*, (*Tre Sorelle.*) It is indited to his mistress' eyes, and the first stanza contains a beautiful invocation to these sources of a lover's inspiration; but in the second we find him relapsing into the genuine Provencale heresy.

'When I become *snow* before their *burning rays*,
Your noble pride
Is perhaps offended with my unworthiness.
Oh! If this my apprehension
Should not *temper the flame that consumes me*,
Happy should I be *to dissolve;* since in their presence
It is dearer to me to die than to live without them.
Then, that I do *not melt*,
Being so frail an object before so *potent a fire*,
It is not my own strength which saves me from it,
But principally fear,
Which *congeals* the blood wandering through my veins,
And mends the heart that it may *burn* a long time.'*

This melancholy parade of cold conceits, of fire and snow, thawing and freezing, is extracted, be it observed, from one of those choice productions, which is recommended as without a blemish; indeed, not only is it one of the best, but it was esteemed by Petrarch himself, together with its two sister odes, the very best of his lyrical pieces, and the decision of the poet has been ratified by posterity. Let it not be objected, that the spirit of an ode must necessarily evaporate in a prose trans-

* 'Quando agli ardenti rai neve divegno;
Vostro gentile sdegno
Forse ch' allor mia indegnitate offende.
O, se questa temenza
Non temprasse l'arsura che m' incende;
Beato venir men! che 'n lor presenza
M' è più caro il morir, che 'l vivor senza.
Dunque ch' i' non mi sfaccia,
Si frale oggetto a si possente foco,
Non è proprio valor, che me ne scampi;
Ma la paura un poco,
Che 'l sangue vago per le vene agghiaccia,
Risalda 'l cor, perchè più tempo avvampi.'
Canzone vii. *nell' Edizione di Muratori.*

lation. The ideas may be faithfully transcribed, and we would submit it to the most ordinary taste, whether ideas, like those above quoted, can ever be ennobled by any artifice of expression.

We think the preceding extract, from one of the 'best of Petrarch's compositions,' may sufficiently vindicate us from the imputation of unprecedented 'blasphemy' on his poetical character; but lest an appeal be again made, on the ground of a diversity in national taste, we will endeavor to fortify our feeble judgment, with one or two authorities among his own countrymen, whom Mr Da Ponte may be more inclined to admit.

The Italians have exceeded every other people in the grateful tribute of commentaries, which they have paid to the writings of their eminent men; some of these are of extraordinary value, especially in verbal criticism, while many more by the contrary lights, which they shed over the path of the scholar, serve rather to perplex than to enlighten it.* Tassoni and Muratori are accounted among the best of Petrarch's numerous commentators; and the latter in particular has discriminated his poetical character, with as much independence as feeling. We cannot refrain from quoting a few lines from Muratori's preface, as exceedingly pertinent to our present purpose. 'Who, I beg to ask, is so pedantic, so blind an admirer of Petrarch, that he will pretend that no defects are to be found in his verses, or, *being found, will desire they should be respected with a religious silence?* Whatever may be our rule in regard to moral defects, there can be no doubt, that in those of art and science, the public interest requires, that truth should be openly unveiled, since it is important that all should distinguish the beautiful from the bad, in order to imitate the one, and to avoid the other.'† In the same tone speaks Tiraboschi. Tom. v. p. 474.

* A single ode has furnished a repast for a volume. The number of Petrarch's commentators is incredible; no less than a dozen of the most eminent Italian scholars have been occupied with annotations upon him at the same time. Dante has been equally fortunate. A noble Florentine projected an edition of a hundred volumes for the 100 cantos of the 'Commedia,' which should embrace the different illustrations. One of the latest of the fraternity, Biagioli, in an edition of Dante, published at Paris, 1818, not only claims for his master a foreknowledge of the existence of America, but of the celebrated Harveian discovery of the circulation of the blood! *Tom* i. p. 18, *Note*. After this, one may feel less surprise at the bulk of these commentaries.

† Le Rime di F. Petrarca; con le Osservazioni di Tassoni, Muzio, e Muratori. Pref. p. ix.

Yet more to the purpose is an observation of the Abbé Denina upon Petrarch, 'who,' says he, 'not only in his more ordinary sonnets affords obvious examples of affectation and coldness, but in his *most tender and most beautiful* compositions approaches the conceited and inflated style of which I am now speaking.'* And the 'impartial Ginguené,' a name we love to quote, confesses that 'Petrarch could not deny himself those puerile antitheses of cold and heat, of ice and flames, which occasionally *disfigure his most interesting and most agreeable pieces.*'† It would be easy to marshal many other authorities of equal weight in our defence, but obviously superfluous, since those we have adduced are quite competent to our vindication from the reproach, somewhat severe, of having uttered 'the most horrible blasphemy, which ever proceeded from the pen of mortal.'

The age of Petrarch, like that of Shakspeare, must be accountable for his defects, and in this manner we may justify the character of the poet, where we cannot that of his compositions. The Provinçale, the most polished European dialect of the middle ages, had reached its last perfection, before the fourteenth century. Its poetry, chiefly amatory and lyrical, may be considered as the homage offered by the highbred Cavaliers of that day at the shrine of beauty; and, of whatever value for its literary execution, is interesting for the beautiful grace it diffuses over the iron age of chivalry. It was, as we have said, principally devoted to love; those who did not feel, could at least affect the tender passion; and hence the influx of subtle metaphors, and frigid conceits, that give a meretricious brilliancy to most of the Provençale poetry. The fathers of Italian verse, Guido, Cino, &c, seduced by the fashion of the period, clothed their own more natural sentiments in the same vicious forms of expression; even Dante, in his admiration, often avowed for the Troubadours, could not be wholly insensible to their influence; but the less austere Petrarch, both from constitutional temperament, and the accidental circumstances of his situation, was more deeply affected by them. In the first place, a pertinacious attachment to a mistress, whose heart was never warmed, although her vanity may have been gratified by the adulation of the finest poet of the age, seems to have maintained an inexplicable control over his affections, or

* Vicende della Letteratura, Tom. ii. p. 55. † Hist. Lit. Tom. ii. p. 566.

his fancy, during the greater portion of his life. In the amatory poetry of the ancients, polluted with coarse and licentious images, he could find no model for the expression of this sublimated passion. But the Platonic theory of love had been imported into Italy by the fathers of the church, and Petrarch, better schooled in ancient learning than any of his cotemporararies, became early enamored of the speculative doctrines of the Greek philosophy. To this source he was indebted for those abstractions and visionary ecstacies, which sometimes give a generous elevation, but very often throw a cloud over his conceptions. And again, an intimate familiarity with the Provençale poetry, was the natural consequence of his residence in the south of France. There too he must often have been a spectator at those metaphysical disputations in the courts of love, which exhibited the same ambition of metaphor, studied antithesis, and hyperbole, as the written compositions of Provence. To all these causes may be referred those defects, which, under favor be it spoken, occasionally offend us, even 'in his most perfect compositions.' The rich finish, which Petrarch gave to the Tuscan idiom, has perpetuated these defects in the poetry of his country. *Decipit exemplar vitiis imitabile.* His beauties were inimitable, but to copy his errors was, in some measure, to tread in his footsteps; and a servile race of followers sprang up in Italy, who, under the emphatic name of Petrarchists, have been the object of derision or applause, as a good or a bad taste predominated in their country. Warton, with apparent justice, refers to the same source some of the early corruptions in English poetry; and Petrarch, we hope it is not 'blasphemy' to say it, becomes, by the very predominance of his genius, eminently responsible for the impurities of diction, which disfigure some of the best productions both in English literature and his own.

We trust that the free manner in which we have spoken, will not be set down by the author of the *Osservazioni*, to a malicious desire of 'calumniating' the literature of his country. We have been necessarily led to it in vindication of our former assertions. After an interval of nearly five centuries, the dispassionate voice of posterity has awarded to Petrarch the exact measure of censure and applause. We have but repeated their judgment. No one of the illustrious triumvirate of the fourteenth century, can pretend to have possessed so great an influence over his own age, and over pos-

terity. Dante, sacrificed by a faction, was, as he pathetically complains, a wandering mendicant in a land of strangers; Boccaccio, with the interval of a few years in the meridian of his life, passed from the gaiety of a court to the seclusion of a cloister; but Petrarch, the friend, the minister of princes, devoted, during the whole of his long career, his wealth, his wide authority, and his talents, to the generous cause of philosophy and letters. He was unwearied in his researches after ancient manuscripts, and from the most remote corners of Italy, from the obscure recesses of churches and monasteries, he painfully collected the mouldering treasures of antiquity. Many of them he copied with his own hand; among the rest, all the works of Cicero; and his beautiful transcript of the epistles of the Roman orator, is still preserved in the Laurentian library at Florence. In his numerous Latin compositions, he aspired to revive the purity and elegance of the Augustan age, and if he did not altogether succeed in the attempt, he may claim the merit of having opened the soil for the more successful cultivation of later Italian scholars.

His own efforts and the generous impulse which his example communicated to his age, have justly entitled him to be considered the restorer of classical learning. His greatest glory, however, is derived from the spirit of life, which he breathed into modern letters. Dante had fortified the Tuscan idiom with the vigor and severe simplicity of an ancient language. But the graceful genius of Petrarch was wanting to ripen it into that harmony of numbers, which has made it the most musical of modern dialects. His knowledge of the Provençale enabled him to enrich his native tongue with many foreign beauties; his exquisite ear disposed him to refuse all but the most melodious combinations; and at the distance of five hundred years, not a word in him has become obsolete, not a phrase too quaint to be used. Voltaire has passed the same high eulogium upon Pascal; but Pascal lived three centuries later than Petrarch. It would be difficult to point out the writer, who so far fixed the ἔπεα πτερόεντα, the fleeting forms of expression in the English language; we certainly could not assign an earlier period, than the commencement of the last century. Petrarch's brilliant success in the Italian led to the most important consequences all over Europe, by the evidence which it afforded of the capacities of a modern tongue. He relied, however, for

his future fame on his elaborate Latin compositions, and while he dedicated these to men of the highest rank, he gave away his Italian lyrics to ballad mongers, to be chanted about the streets for their own profit. His cotemporaries authorized this judgment, and it was for his Latin eclogues, and his epic on Scipio Africanus, that he received the laurel wreath of poetry in the Capitol. Bnt nature must eventually prevail over the decisions of pedantry or fashion. By one of those fluctuations, not very uncommon in the history of letters, the author of the Latin '*Africa*' is now known only as the lover of Laura, and the father of Italian song.

We have been led into this long, we fear tedious exposition of the character of Petrarch, partly from the desire of defending the justice of our former criticism, against the heavy imputations of the author of the *Osservazioni*, and partly from reluctance to dwell only on the dark side of a picture so brilliant, as that of the laureate, who, in a barbarous age, with

> ' his rhetorike so swete
> Enluminid all Itaile of poetrie.'

Our limits will compel us to pass over, *currente calamo*, some less important strictures of our author.

About the middle of the last century, a bitter controversy arose between Tiraboschi, and Lampillas, a learned but intemperate Spaniard, respecting which of their two nations had the best claim to the reproach of having corrupted the other's literature in the sixteenth century. In alluding to it, we had remarked, that 'the Italian had the better of his adversary in temper, if not in argument.' The author of the *Osservazioni* styles this 'a dry and dogmatic decision, which so much displeased a certain Italian letterato, that he had promised him a confutation of it.' We know not who the indignant letterato may be, whose thunder has been so long hanging over us, but we must say, that, so far from a 'dogmatic decision,' if ever we made a circumspect remark in our lives, this was one. As far as it went, it was complimentary to the Italians; for the rest, we waved all discussion of the merits of the controversy, both because it was impertinent to our subject, and because we were not sufficiently instructed in the details to go into it. One or two reflections, however, we may now add. The relative position of Italy and Spain, political and literary, makes it highly probable that the predominant influence, of whatever

kind it may have been, proceeded from Italy. 1. She had matured her literature to a high perfection, while that of every other nation was in its infancy, and she was of course much more likely to communicate, than to receive impressions. 2. Her political relations with Spain were such, as particularly to increase this probability in reference to her. The occupation of an insignificant corner of her own territory, (for Naples was very insignificant in every literary aspect,) by the house of Arragon, opened an obvious channel for the transmission of her opinions into the sister kingdom. 3. Any one, even an Italian, at all instructed in the Spanish literature, will admit, that this actually did happen in the reign of Charles the Fifth, the golden age of Italy; that not only indeed, the latter country influenced, but changed the whole complexion of Spanish letters, establishing, through the intervention of her high priests, Boscan and Garcilaso, what is universally recognised under the name of an Italian school. This was an era of good taste; but when, only fifty years later, both languages were overrun with those deplorable affectations, which, in Italy particularly, have made the very name of the century (*seicento*) a term of reproach, it would seem probable, that the same country, which but so short a time before had possessed so direct an influence over the other, should through the same channels have diffused the poison with which its own literature was infected. As Marini and Gongora, however, the reputed founders of the school, were cotemporaries, it is extremely difficult to adjust the precise claims of either to the melancholy credit of originality, and after all, the question to foreigners can be one of little interest or importance.

Much curiosity has existed respecting the source of those affectations, which, at different periods, have tainted the modern languages of Europe. Each nation is ambitious of tracing them to a foreign origin, and *all* have at some period or other, agreed to find this in Italy. From this quarter the French critics derive their *style precieux*, which disappeared before the satire of Molière and Boileau; from this the English derive their *metaphysical* school of Cowley; and the *cultismo*, of which we have been speaking, which Lope and Quevedo condemned by precept, but authorised by example, is referred by the Spaniards to the same source. The early celebrity of Petrarch, and his vicious imitators, may afford a specious justification of

all this. But a generous criticism may perhaps be excused in referring them to a more ancient origin. The Provençale for three centuries was the most popular, and, as we have before said, the most polished dialect in Europe. The language of the people all along the fertile coasts of the Mediterranean, it was also the language of poetry in most of the polite courts in Europe; in those of Toulouse, Provence, Sicily, and of several in Italy; it reached its highest perfection under the Spanish nobles of Arragon; it passed into England in the twelfth century with the dowry of Eleanor of Guienne and Poictou; even kings did not disdain to cultivate it, and the lionhearted Richard, if report be true, could embellish the rude virtues of chivalry with the milder glories of a Troubadour.* When this precocious dialect had become extinct, its influence still remained. The early Italian poets gave a sort of classical sanction to its defects; but while their genius may thus, with justice, be accused of scattering the seeds of corruption, the soil must be confessed to have been universally prepared for their reception at a more remote period.

Thus the metaphysical conceits of Cowley's school, which Dr Johnson has referred to Marini, may be traced through the poetry of Donne, of Shakspeare and his cotemporaries, of Surry, Wyatt, and Chaucer, up to the fugitive pieces of the thirteenth and fourteenth centuries, which have been redeemed from oblivion by the diligence of the antiquarian. In the same manner, the religious and amatory poetry of Spain at the close of the thirteenth century, as exhibited in their *Cancioneros*, displays the same subtleties and barbaric taste for ornament, from which few of her writers, even in the riper season of her literature, have been wholly uncontaminated. Perhaps the preversities of Voiture and of Scudery may find as remote a genealogy in France. The corruptions of the Pleiades may afford one link in the chain, and

* Every one is acquainted with Sismondi's elegant treatise on the Provençale poetry. It cannot, however, now be relied on as of the highest authority. The subject has been much more fully explored since the publication of his work by Mons. Raynouard, Secretary of the French Academy. His *Poésies des Troubadours* has now reached the sixth volume; and W. A. Schlegel, in a treatise of little bulk, but great learning, entitled *Observations sur la Langue et la Littérature Provençale*, has pronounced it, by the facts it has brought to light, to have given the *coup de grace* to the theory of Father Andrés, whom Sismondi has chiefly followed.

any one, who has leisure, might verify our suggestions. Almost every modern literature seems to have contained, in its earliest germs, an active principle of corruption. The perpetual lapses into barbarism have at times triumphed over all efforts of sober criticism; and the perversion of intellect, for the greater part of a century, may furnish to the scholar an ample field for humiliating reflection. How many fine geniuses in the condemned age of the *seicentisti*, wandering after the false lights of Marini and his school, substituted cold conceits for wit, puns for thoughts, and wire drawn metaphors for simplicity and nature! How many with Cowley exhausted a genuine wit, in hunting out remote analogies and barren combinations; or with Lope, and even Calderon, devoted pages to curious distortions of rhyme, to echoes or acrostics, in scenes which invited all the eloquence of poetry! Prostitutions of genius like these not merely dwarf the human mind, but carry it back centuries to the scholastic subtleties, the alliterations, anagrams, and thousand puerile devices of the middle ages.

But we have already rambled too far from the author of the 'Osservazioni.' Our next rock of offence is a certain inconsiderate astonishment, which we expressed, at the patience of his countrymen under the infliction of epics of thirty and forty cantos in length; and he reminds us of our corresponding taste, equally unaccountable, for novels and romances, spun out into an interminable length, like those, for example, by the author of Waverley. [pp. 82 to 85.] A liberal criticism, we are aware, will be diffident of censuring the discrepancies of national tastes. Where the value of the thought is equal, the luxury of polished verse, and poetic imagery, may yield a great superiority to poetry over prose, particularly with a people so sensible to melody, and of so vivacious a fancy, as the Italians. But then to accomplish all this requires a higher degree of skill in the artist; and mediocrity in poetry is intolerable.

Mediocribus esse poetis
Non homines, non Di, non concessere columnæ.

Horace's maxim is not the less true for being somewhat stale. D'Alembert has uttered a sweeping denunciation against all long works in verse, as impossible to be read through without experiencing *ennui;* from which he does not except even the

masterpieces of antiquity.* What would he have said to a second rate Italian epic, wire drawn into thirty or forty cantos of the *incredibilia* of chivalry!

The English novel, if decently executed, may convey some solid instruction, in its details of life, of human character, and of passion. But the tales of chivalry, the overcharged pictures of an imaginary state of society, of 'Gorgons, hydras, and chimeras dire,' can be regarded only as an intellectual *relaxation*. In a less polished dialect, and in a simpler age, they beguiled the tedious evenings of our unlettered Norman ancestors; and as late as Elisabeth's day, they incurred their parting malediction from the worthy Ascham, as 'stuff for wise men to laugh at, whose whole pleasure standeth in open manslaughter and bold bawdry.' The remarks in our article, of course, had no reference to the *chef d'œuvres* of their romantic muse, many of which we had been diligently commending. It is the prerogative of genius, we all know, to consecrate whatever it touches.

Some other of our general remarks seem to have been barbed arrows to the patriot breast of the author of the 'Osservazioni.' Such are our reflections on 'the want of a moral or philosophical aim in the ornamental writings of the Italians;' on 'love, as suggesting the constant theme and impulse to their poets;' on the evil tendency of their language, in seducing their writers into 'an overweening attention to sound.' There are few general reflections, which have the good fortune not to require many, and sometimes very important exceptions. The physiognomy of a nation, whether moral or intellectual, must be made up of those features, which arrest the eye most frequently and forcibly on a wide survey of them. Yet how many individual portraits, after all, may refuse to correspond with the prevailing one. The Bœotians were dull to a proverb;† yet the most inspired, in the most inspired region of Greek poetry, was a Bœotian. The most amusing of all Greek prose writers was a Bœotian. Or, to take recent examples, when we find the 'accurate Ginguené' speaking of 'the *universal* corruption of taste in Italy, during the seventeenth century,' or Sismondi telling us that 'the abuse of wit extinguished there, during that age *every other species of talent*,' we are obviously not to nail them down to a

* Œuvres Philosophiques, &c. Tom. iv. p. 152.

† 'Sus Bœotica, auris Bœotica, Bœoticum ingenium.'

pedantic precision of language, or how are we to dispose of the finest poets and scholars Italy has ever produced; of Chiabrera. Filicaja, Galileo, and other names sufficiently numerous to swell into a bulky quarto of Tiraboschi? The same pruning principle applied to writers, who, like Montesquieu, Madame de Stael, and Schlegel, deal in general views, would go near to strip them of all respect or credibility.

But it is frivolous to multiply examples. Dante, Tasso, Alamanni, Guidi, Petrarch often, the generous Filicaja always, with doubtless very many others, afford an honorable exception to our remark, on the want of a moral aim in the lighter walks of Italian letters; and to many of these, by indirect criticism, we accorded it in our article. But let any scholar cast his eye over the prolific productions of their romantic muse, which even Tiraboschi censures as 'crude and insipid,'* and Gravina deplores as having 'excluded the light of truth' from his countrymen;† or on their thousand tales of pleasantry and love, which since Boccaccio's example have agreeably perpetuated the ingenious inventions of a barbarous age;‡ or round 'the circle of frivolous extravagancies,' as Salfi§ characterises the burlesque novelties, with which the Italian wits have regaled the laughterloving appetite of their nation; or on their hecatombs of *amorous* lyrics alone, and he may accept, in these saturated varieties of the national literature, a decent apology, if not an ample justification, for our assertion.

But are we not to speak of 'love as furnishing the great impulse to the Italian poet,' and 'as prevailing in his bosom

* Lett. Ital. Tom. vii. P. III. s. 42.

† Ragion Poetica, p. 14.

‡ The Italian Novelle, it is well known, were originally suggested by the French Fabliaux of the 12th and 13th centuries. It may be worthy of remark, that while in Italy these amusing fictions have been diligently propagated from Boccaccio to the present day, in England, although recommended by a genius like Chaucer, they have scarcely been adopted by a single writer. The same may be said of them in France, their native soil, with perhaps a solitary exception in the modern imitations by La Fontaine, himself inimitable.

§ This learned Italian is now employed in completing the unfinished history of M. Ginguené. With deference to the opinions of the author of the 'Osservazioni, (vide pp. 115, 116,) we think he has shown in it a more independent and impartial criticism, than his predecessor. His own countrymen seem to be of the same opinion, and in a recent flattering notice of his work, they have qualified their general encomium with more than one rebuke on the severity of his strictures. *Vide Antologia for April*, 1824.

far over every other affection or relation in life?' Have not their most illustrious writers, Dante, Petrarch, Boccaccio, Sannazarius, Tasso, nay philosophic prelates like Bembo, politic statesmen like Lorenzo, embalmed the names of their mistresses in verse, until they have made them familiar in every corner of Italy as their own? Is not nearly half of the miscellaneous selection of lyrics, in the vulgar edition of 'Italian classics,' exclusively amatory? Had Milton, Dryden, Pope, or still more such solid personages as Bishop Warburton or Dr Johnson (whose 'Tetty' we suspect never stirred the Doctor's poetic feeling), dedicated not a passing sonnet, but whole volumes to their Beatrices, Lauras, and Leonoras, we think a critic might well be excused in regarding the tender passion, as the *vivida vis* of the English author. Let us not be misunderstood, however, as implying that nothing but this amorous incense escapes from the Italian lyric muse. To the exceptions which the author of the *Osservazioni* has enumerated, he might have added, had not his modesty forbidden him, as inferior to none, the inspired sacred melodies which adorn his own autobiography; above all, the magnificent canzone on the 'Death of Leopold,' which can derive nothing from our commendation, when a critic like Mathias has declared it to have 'secured to its author a place on the Italian Parnassus, by the side of Petrarch and Chiabrera.'*

As to our remark on the tendency of the soft Italian tones, 'to seduce their writers into an overweening attention to sound,' we are surprised that this should have awakened two such grave pages of admonition from our censor. Why, we were speaking of

> 'The Tuscan's syren tongue,
> That music in itself, whose sounds are song.'

We thought the remark had been as true as it was old. We cannot but think there is something in it, even now, as we are occasionally lost in the mellifluous redundances of Bembo or Boccaccio, those celebrated models of Italian eloquence. At any rate, our remark fell far short of the candid confession

* A letter from Mr Mathias, which fell into our hands sometime since, concludes a complimentary analysis of the above canzone, with this handsome eulogium. 'After having read and reflected much on this wonderful production, I believe, that if Petrarch could have heard it, he would have assigned to its author a seat very near to his own, without requiring any other evidence of his vivacious, copious, and sublime genius.'

of Bettinelli, who, in speaking of historical writing, observes that 'in this, as in every other department of literature, his countrymen have been more solicitous about *style*, and ingenious turns of thought, than utility or good philosophy.' *

But we must hasten to the last, not by any means the least offence recorded on the roll of our enormities. This is an ill-omened stricture on the poetical character of Metastasio; for which the author of the *Osservazioni*, after lavishing upon him a shower of golden compliments at our expense, proceeds to censure us, as 'wanting in respect to this famous man; as perspicacious only in detecting blemishes; as guilty of extravagant and unworthy expressions; which prove that we cannot have read or digested the works of this exalted dramatist, nor those of his biographers, nor of his critics.' pp. 98—111. And what think you, gentle reader, invited these unsavory rebukes, with the dozen pages of panegyrical accompaniment on his predecessor? 'The melodious rythm of Tasso's verse has *none of the monotonous sweetness so cloying in Metastasio*.' In this italicised line lies the whole of our offending; no more.

We shall consult the comfort of our readers, by disposing of this point as briefly as possible. We certainly do not feel, and we will not affect that profound veneration for Metastasio, which the author of the *Osservazioni* professes, and which may have legitimately descended to him with the inheritance of the Cæsarean laurel. We have always looked upon his *Operas*, as exhibiting an effeminacy of sentiment, a violent contrivance of incident, and an extravagance of character, that are not wholly to be vindicated by the constitution of the Musical Drama. But nothing of all this was intimated in our unfortunate suggestion; and as we are unwilling to startle anew the principles or prejudices of our highly respectable censor, we shall content ourselves with bringing into view one or two stout authorities, behind whom we might have entrenched ourselves, and resign the field to him.

The author has presented his readers with an abstract of about forty pages of undiluted commendation on his favorite poet, by the Spaniard Arteaga. We have no objection to this; but while he recommends them as the opinions of 'a learned, judicious, and indubitably impartial critic,' we think it would have been fair to temper these forty pages of commendation

* Risorg. d'Italia. Introduz. Tom. i. p. 14.

with some allusion to five and thirty pages of almost unmitigated censure, which immediately follow them.* In the course of this censorious analysis, it may be noticed, that the 'impartial Arteaga,' speaking of the common imputation of *monotony in the structure of Metastasio's verse, and of his periods*, far from acquitting him, expressly declines passing judgment upon it.

But we may find ample countenance for our 'irreverent opinion' in that of Ugo Foscolo, a name of high consideration both as a poet and a critic, and whom, for his perspicacity in the latter vocation, our author on another occasion has himself cited and eulogised, as his 'magnus Apollo.' Speaking incidentally of Metastasio, he observes; 'to please the court of Vienna, the musicians, and the public of his day, and to gratify the delicacy of his own feminine taste, Metastasio has reduced his *language and versification to so limited a number of words, phrases, and cadences, that they seem always the same*, and in the end produce only the effect of a flute, which conveys rather delightful melody, than quick and distinct sensations.'† To precisely the same effect speaks W. A. Schlegel, in his eighth lecture on Dramatic Literature, whose acknowledged excellence, in this particular department of criticism, may induce us to quote him, although a foreigner. These authorities are too pertinent and explicit to require the citation of any other; or to make it necessary, by a prolix but easy enumeration of extracts from the poet, more fully to establish our position.

Hic aliquid plus
Quam satis est

We believe we are quite as weary, as our readers, of the very disagreeable office of dwelling on the defects of a literature so beautiful, and for which we feel so sincere an admiration, as the Italian. The severe impeachment made, both upon the spirit and the substance of our former remarks, by so accomplished a scholar as the author of the *Osservazioni*, has necessarily compelled us to this course in self defence. The tedious parade of citations must be excused, by the necessity of buoying up our opinions in debatable matters of taste, by those whose authority alone, our censor is disposed to admit; that of his own countrymen. He has emphatically repeated

* Le Rivoluzioni del Teatro Musicale, &c. pp. 375—410.
† Essays on Petrarch, p. 93.

his distrust of the capacity of foreigners to decide upon subjects of literary taste. Yet the extraordinary diversity of opinion, manifest between him and those eminent authorities whom we have quoted, might lead us to anticipate but little correspondence in the national criticism. An acquaintance with Italian history will not serve to diminish our suspicions; and the feuds, which, from the learned but querulous scholars of the fifteenth century, to those of our own time, have divided her republic of letters, have not been always carried on with the bloodless weapons of scholastic controversy.*

That some assertions too unqualified, some errors, or prejudices should have escaped in the course of fifty or sixty pages of remark, is to be expected from the most circumspect pen. But a benevolent critic, instead of fastening upon these, will embrace the spirit of the whole, and by this interpret and excuse any specific inaccuracy. It may not be easy to come up to the standard of our author's principles, it may be his partialities, in estimating the intellectual character of his country; but we think we can detect one source of his dissatisfaction with us, in his misconception of our views; which, according to him, were, that 'a particular knowledge of the Italian should be widely diffused in America.' This he quotes and requotes with peculiar emphasis, objecting it to us as perfectly inconsistent with our style of criticism. Now in the first place, we made no such declaration. We intended only to give a veracious analysis of one branch of Italian letters. But, secondly, had such been our design, we doubt exceedingly, or rather we do not doubt, whether the best way of effecting it, would be by indiscriminate panegyric. The amplification of beauties, and the prudish concealment of all defects, would carry with it an air of insincerity, that must dispose the mind of every ingenuous reader to reject it. Perfection is not the lot of humanity more in Italy than elsewhere. Such intemperate panegyric is, moreover, unworthy of the great men who are the

* Take two familiar examples; that of Caro, and that of Marini. The adversary of the former poet, accused of murder, heresy, &c. was condsmned by the Inquisition, and compelled to seek his safety in exile. The adversary of Marini, in an attempt to assassinate him, fortunately shot only a courtier of the king of Sardinia. In both cases, the wits of Italy, ranged under opposite banners, fought with incredible acrimony, during the greater part of a century. The subject of fierce dispute, in both instances, was a *sonnet!*

objects of it. They really shine with too brilliant a light to be darkened by a few spots; and to be tenacious of their defects, is in some measure to distrust their genius. *Rien n'est beau, que le vrai*, is the familiar reflection of a critic, whose general maxims in his art are often more sound than their particular application. Notwithstanding the difficulty urged by Mr Da Ponte, of forming a correct estimate of a foreign language, the science of general literary criticism and history, which may be said to have entirely grown up within the last fifty years, has done much to eradicate prejudice, and enlarge the circle of genuine knowledge. A century and a half ago, 'the best of English critics,* in the opinion of Pope and Dryden, could institute a formal examination, and, of course, condemnation of the plays of Shakspeare 'by the practice of the ancients.' The best of French critics,† in the opinion of every one, could condemn the 'Orlando Furioso,' for wandering from the rules of Horace; even Addison in his triumphant vindication of the 'Paradise Lost' seems most solicitous to prove its conformity with the laws of Aristotle; and a writer like Lope de Vega felt obliged to apologise for the independence, with which he deviated from the dogmas of the same school, and adapted his beautiful inventions in the drama to the peculiar genius of his own countrymen.‡ The magnificent fables of Ariosto and Spenser were stigmatised as *barbarous*, because they were not *classical;* and the polite scholars of Europe sneered at 'the bad taste, which could prefer an 'Ariosto to a Virgil, a Romance to an Iliad.'"§ But the reconciling spirit of modern

* 'The Tragedies of the last Age, considered and examined by the practice of the Ancients, &c.' By Thomas Rymer. London, 1678.

† 'Dissertation critique sur l'Aventure de Joconde.' Œuvres de Boileau, Tom. ii.

‡ 'Arte de hacer Comedias.' Obras Sueltas, Tom. iv. p. 406.

Y quando he de escribir una Comedia,
Encierro los preceptos con seis llaves;
Saco a Terencio y Plauto de mi estudio
Para que no me den voces, que suele
Dar gritos la verdad en libros mudos; &c.

§ See Lord Shaftesbury's 'Advice to an Author;' a treatise of great authority in its day, but which could speak of the '*Gothic* Muse of Shakspeare, Fletcher, and Milton, as lisping with stammering tongues, that nothing but the youth and rawness of the age could excuse!' Sir William Temple, with a purer taste, is not more liberal. The term *Gothic*, with these writers, is applied to much the same subjects with the modern term *Romantic*, with this difference; the latter is simply a distinctive, while the former was also an opprobrious epithet.

criticism has interfered; the character, the wants of different nations and ages have been consulted; from the local beauties peculiar to each, the philosophic inquirer has deduced certain general principles of beauty applicable to all; petty national prejudices have been extinguished; and a difference of taste, which for that reason alone, was before condemned as a deformity, is now admired as a beautiful variety in the order of nature.

The English, it must be confessed, can take little credit to themselves for this improvement. Their researches in literary history amount to little in their own language, and to nothing in any other. Warton, Johnson, and Campbell have, indeed, furnished an accurate inventory of their poetical wealth. But, except it be in the limited researches of Drake and of Dunlop, what record have we of all their rich and various prose? As to foreign literature, while all other cultivated nations have been developing their views, in voluminous and valuable treatises, the English have been profoundly mute.* Yet for several reasons they might be expected to make the best general critics in the world, and the collision of their judgments in this matter, with those of the other European scholars, might produce new and important results.

The author of the *Osservazioni* has accused us of being too much under the influence of his enemies, the French. (p. 112.) There are slender grounds for this imputation. We have al-

* The late translation of Sismondi's 'Southern Europe,' is the only one, we believe, which the English possess of a detailed literary history. The discriminating taste of this sensible Frenchman, has been liberalised by his familiarity with the languages of the North. His knowledge, however, is not always equal to his subject; and the credit of his opinions is not unfrequently due to another. The historian of the 'Italian Republics' may be supposed to be at home in treating of Italian letters; and this is undoubtedly the strongest part of his work. But in what relates to Spain, he has helped himself 'manibus plenis' from Bouterwek; much too liberally, indeed, for the scanty acknowledgments made by him to the accurate and learned German. Page upon page, is *literally translated* from him. Sismondi's work, however, is intrinsically valuable for its philosophical illustrations of the *character* of the Spaniards, by the peculiarities of their literature. His analysis of the national drama, as opposed to that of Schlegel, is also extremely ingenious. Is it not more sound than that of the German? We trust that this hitherto untrodden field, in our language, will be entered before long by one of our own scholars, whose researches have enabled him to go much more extensively into the Spanish department, than either of his predecessors.

ways looked upon this fastidious people, as the worst general critics possible; and we scarcely once alluded to their opinions in the course of our article, without endeavoring to controvert them. The truth is, while they have contrived their own system with infinite skill, and are exceedingly acute in detecting the least violation of it, they seem incapable of understanding why it should not be applied to every other people, however opposite its character from their own. The consequence is obvious. Voltaire, whose elevated views sometimes advanced him to the level of the generous criticism of our own day, is by no means an exception. His Commentaries on Corneille are filled with the finest reflections imaginable on that eminent poet, or rather on the French drama; but the application of these same principles to the productions of his neighbors leads him into the grossest absurdities. 'Addison's Cato is the only well written tragedy in England.' 'Hamlet is a barbarous production, that would not be endured by the meanest populace in France or Italy.' 'Lope de Vega and Calderon familiarised their countrymen with all the extravagancies of a gross and ridiculous drama.' But the French theatre, modelled upon the ancient Greek, can boast 'of more than twenty pieces which surpass their most admirable *chef-d'œuvres*, without excepting those of Sophocles or Euripides.' So in other walks of poetry, Milton, Tasso, Ercilla, occasionally fare no better. 'Who would dare to talk to Boileau, Racine, Molière, of an epic poem upon Adam and Eve!' Voltaire had one additional reason for the exaltation of his native literature at the expense of every other. He was himself at the head, or aspired to be, of every department in it.

Madame de Stael is certainly an eminent exception, in very many particulars, to the general character of her nation. Her defects, indeed, are rather of an opposite cast. Instead of the narrowness of conventional precept, she may be sometimes accused of vague and visionary theory; instead of nice specific details, of dealing too freely in abstract and independent propositions. Her faults are of the German school; which she may have in part imbibed from her intimacy with their literature (no common circumstance with her countrymen,) from her residence in Germany, and from her long intimacy with one of its most distinguished scholars, who lived under the same roof with her for many years. But

with all her faults she is entitled to the praise of having showed a more enlarged and truly philosophical spirit of criticism than any of her countrymen.

The English have never yielded to the arbitrary legislation of academies; their literature has at different periods exhibited all the varieties of culture, which have prevailed over the other European tongues; and their language, derived both from the Latin and the Teutonic idiom, affords them a much greater facility for entering into the spirit of foreign letters, than can be enjoyed by any other European people, whose language is derived almost exclusively from one or the other of these elements. With all these peculiar facilities for literary history and criticism, why, with their habitual freedom of thought, have they remained in it, so far behind every other cultivated nation?

ART. X.—*Occasional Pieces of Poetry.* By JOHN G. C. BRAINARD. 12mo. pp. 111. New York. Bliss & White.

ACCORDING to the definition of Lord Bacon, 'poesy is a kind of learning, in words restrained, in matter loose and licensed;' and again he says, 'poesy is as it were a dream of knowledge, a sweet pleasing thing full of variations.' All the parts of this definition agree well with the practice of our modern poets, except the first. They have dreams, or, as Jeremy Taylor would call them, 'quiddities of a dream,' and variations, and license, and 'matter loose,' and 'sweet pleasing things' in abundance; but as for using 'words restrained,' this is a part of the art for which they seem to entertain very little respect. The besetting sins of our cotemporary poets are eccentricity and haste, a vehement desire to think and talk as nobody ever thought and talked before, and to make the largest drafts on the bounty of the Muse in the shortest space of time. It is deemed a much more remarkable feat to say a strange than a true thing, and to draw startling images, than to paint after nature. It is not enough to write poetry in the good old way, as Virgil, and Milton, and Dryden, and Pope have written it, but there must be some new and extravagant conceit, either in language, measure, or sentiment, some high 'imaginings'

and adventures of deep thought, that shall astonish and confound, if they do not charm and bear away the reader. Hence untrod paths are daily sought out on the sides of Parnassus, and many a painful struggle is ineffectually made in attempting to climb upward against obstacles, which no human arm can overcome.

These remarks apply only in a limited degree to Mr Brainard. The instances are rare, in which the charge of affectation can be made against him, whatever may be his faults of taste and execution; or in which his practice can be said to sanction the doctrine, that

> 'One line for sense, and one for rhyme,
> Is quite enough at any time.'

He seldom aims at more than he can accomplish; the chief misfortune with him is, that he should be contented sometimes to accomplish so little, and this little in so imperfect a manner. That he possesses much of the genuine spirit and power of poetry, no one can doubt, who reads some of the pieces in this volume, yet there are others, which, if not absolutely below mediocrity, would never be suspected as coming from a soil, that had been watered with Castalian dews. They might pass off very well as exercises in rhyme of an incipient poet, the first efforts at pluming the wing for a bolder flight, and they might hold for a day an honorable place in the corner of a gazette, but to a higher service, or more conspicuous station, they could not wisely be called. In short, if we take all the author's cnmpositions in this volume together, nothing is more remarkable concerning them than their inequality; the high poetical beauty and strength, both in thought and language, of some parts, and the want of good taste and the extreme negligence of others. We will endeavor to illustrate our meaning by such extracts as our limits will admit.

The following lines are on the 'Fall of Niagara,' and among all the tributes of the Muse to that great wonder of nature, we do not remember any so comprehensive and forcible, and at the same time so graphically correct, as this.

> The thoughts are strange that crowd into my brain.
> While I look upward to thee. It would seem
> As if God pour'd thee from his 'hollow hand,'
> And hung his bow upon thy awful front;

And spoke in that loud voice, which seem'd to him
Who dwelt in Patmos for his Saviour's sake,
'The sound of many waters;' and had bade
Thy flood to chronicle the ages back,
And notch his cent'ries in the eternal rocks.

Deep calleth unto deep. And what are we,
That hear the question of that voice sublime?
Oh! what are all the notes that ever rung
From war's vain trumpet, by thy thundering side!
Yea, what is all the riot man can make
In his short life, to thy unceasing roar!
And yet, bold babbler, what art thou to HIM,
Who drown'd a world, and heap'd the waters far
Above its loftiest mountains?—a light wave,
That breaks, and whispers of its Maker's might.

This picture could only be drawn by a poet. The thoughts rise to the sublimity of the subject, and it would not be easy to express them in finer language, or with more strict conformity to the Baconian rule of 'words restrained.' But besides the beauty and power of this description, it has the merit of truth. Whoever has descended into the deep chasm through which the river passes below the Falls, and crossed the foaming current in the small boat at that place, and looked upward to the ocean of waters that are pouring their immense volumes into the abyss, and seen the rainbow stretching its arch over the cataract, and heard the heavy, hollow thunders, which seem to come from beneath and echo from the uplifted rocks on every side, whoever has witnessed this scene will recognise the accurate lineaments, not less than the poetical beauty, of the author's description.

The lines 'On a Late Loss,' though of a different character from the preceding, are not unworthy to be placed in their company. They relate to the loss of the lamented Professor Fisher, in the shipwreck of the Albion.

The breath of air that stirs the harp's soft string,
Floats on to join the whirlwind and the storm;
The drops of dew exhaled from flowers of spring,
Rise and assume the tempest's threatening form;
The first mild beam of morning's glorious sun,
Ere night, is sporting in the lightning's flash;
And the smooth stream, that flows in quiet on,
Moves but to aid the overwhelming dash

That wave and wind can muster, when the might
Of earth, and air, and sea, and sky unite.

So science whisper'd in thy charmed ear,
And radiant learning beckon'd thee away.
The breeze was music to thee, and the clear
Beam of thy morning promis'd a bright day.
And they have wreck'd thee!—But there is a shore
Where storms are hush'd, where tempests never rage;
Where angry skies and blackening seas no more
With gusty strength their roaring warfare wage.
By thee its peaceful margent shall be trod—
Thy home is Heaven, and thy friend is God.

The stanzas entitled 'Salmon River' have merit, both in regard to poetical imagery, and the ease and simplicity of the style. It is only necessary to know, that Salmon River is a small stream tributary to the Connecticut.

'Tis a sweet stream—and so, 'tis true, are all
That undisturbed, save by the harmless brawl
Of mimic rapid or slight waterfall,
Pursue their way
By mossy bank and darkly waving wood,
By rock, that since the deluge fix'd has stood,
Showing to sun and moon their crisping flood
By night and day.

But yet, there 's something in its humble rank,
Something in its pure wave and sloping bank,
Where the deer sported, and the young fawn drank
With unscar'd look;
There's much in its wild history, that teems
With all that 's superstitious—and that seems
To match our fancy and eke out our dreams,
In that small brook.

Havoc has been upon its peaceful plain,
And blood has dropp'd there like the drops of rain;
The corn grows o'er the still graves of the slain—
And many a quiver,
Fill'd from the reeds that grew on yonder hill,
Has spent itself in carnage. Now 'tis still,
And whistling ploughboys oft their runlets fill
From Salmon River.

Here, say old men, the Indian Magi made
Their spells by moonlight; or beneath the shade
That shrouds sequestered rock, or dark'ning glade,
Or tangled dell.
Here Philip came, and Miantonimo,
And asked about their fortunes long ago,
As Saul to Endor, that her witch might show
Old Samuel.

And here the black fox rov'd, that howl'd and shook
His thick tail to the hunters, by the brook
Where they pursued their game, and him mistook
For earthly fox;
Thinking to shoot him like a shaggy bear,
And his soft peltry, stript and dress'd, to wear,
Or lay a trap, and from his quiet lair
Transfer him to a box.

Such are the tales they tell. 'Tis hard to rhyme
About a little and unnoticed stream,
That few have heard of—but it is a theme
I chance to love;
And one day I may tune my rye-straw reed,
And whistle to the note of many a deed
Done on this river—which, if there be need,
I'll try to prove.

The allusion to the 'black fox' can only be understood by those, who are acquainted with the superstition on the subject. The author has given a poetical explanation of the legend, entitled the 'Black Fox of Salmon River,' to which we refer such of our readers, as wish to be better informed of the matter.

The 'Sonnet to the Sea Serpent,' is as good, perhaps as any sonnet on such a subject can be, and were it not for the dragging prose of the last line, it would not be extravagant to call it an excellent specimen of this kind of composition.

Welter upon the waters, mighty one—
And stretch thee in the oceans trough of brine;
Turn thy wet scales up to the wind and sun,
And toss the billow from thy flashing fin;
Heave thy deep breathings to the ocean's din,
And bound upon its ridges in thy pride;
Or dive down to its lowest depths, and in

The caverns where its unknown monsters hide,
Measure thy length beneath the gulf-stream's tide—
Or rest thee on that navel of the sea
Where, floating on the Maelstrom, abide
The krakens sheltering under Norway's lee;
But go not to Nahant, lest men should swear,
You are a great deal bigger than you are.

By what authority 'scales and fins' are assigned to the sea-serpent we know not; the monster has generally been supposed to be of the snake kind; but the author has doubtless a right to assume these properties, even without screening himself under the shield of poetical license, till their nonexistence shall be demonstrated.

Mr Brainard is sometimes successful in his humorous descriptions. The subjoined 'Fragment' has often been printed, yet, as it will bear many readings, we shall transcribe it entire. It is founded on an event, which occurred two or three years ago at New London. During a heavy rain storm, a schooner was at anchor in the river, and was run foul of in the night by a Methodist Meetinghouse, which had been carried away by the freshet, and floated down the stream. The fragment consists of the Captain's soliloquy.

Solemn he pac'd upon that schooner's deck,
And muttered of his hardships:—'I have been
Where the wild will of Mississippi's tide
Has dash'd me on the sawyer;—I have sail'd
In the thick night along the wave-wash'd edge
Of ice, in acres, by the pitiless coast
Of Labrador; and I have scrap'd my keel
O'er coral rocks in Madagascar seas—
And often in my cold and midnight watch,
Have heard the warning voice of the lee shore
Speaking in breakers! Ay, and I have seen
The whale and sword-fish fight beneath my bows;
And when they made the deep boil like a pot,
Have swung into its vortex; and I know
To cord my vessel with a sailor's skill,
And brave such dangers with a sailor's heart;
—But never yet upon the stormy wave,
Or where the river mixes with the main,
Or in the chafing anchorage of the bay,
In all my rough experience of harm,
Met I—a Methodist meetinghouse!

* * * * *

Cat-head, or beam, or davit has it none,
Starboard nor larboard, gunwale, stem nor stern!
It comes in such a 'questionable shape,'
I cannot even *speak* it! Up jib, Josey,
And make for Bridgeport! There, where Stratford Point,
Long Beach, Fairweather Island, and the buoy,
Are safe from such encounters, we 'll *protest!*
And yankee legends long shall tell the tale,
That once a Charleston schooner was beset,
Riding at anchor, by a meetinghouse.

The volume contains three or four other attempts at humor, such as the 'Presidential Cotillion,' 'The Bar *versus* the Docket,' and 'The Two Comets,' but none of them can be compared to the one just quoted. They all, indeed, have striking defects, abounding in low images and puerile conceits. Take for example these lines from the 'Presidential Cotillion.'

There was room for a set just below, and each buck
Had a belle by his side, like a drake with his duck;
But the first set attracted the whole room's attention,
For they cut the capers most worthy of mention.

The following specimen is from 'The Bar *versus* the Docket.'

Thus solemnly spoke the Bar's counsel, and sigh'd—
The Garnishee plainly and frankly replied,
That he had no effects, and could not get enough
To pay his own debt, which he thought rather tough.

The next is from the 'Two Comets.' Phaeton, it must be understood, is seated in the car of his father Phœbus.

The *crack* of his whip, like the *breaking* of day,
Warmed the wax in the ears of the leaders, and they
With a snort, like the fog of the morning, cleared out
For the West as young Phaey meant to get there about
Two hours before sunset.

It is presumed, that no one will insist on such a perversion of terms, as to call these things poetry. Another passage of a similar character is found in a piece, written for a Lady's Commonplace Book. The author is talking of the Muse, and says,

But for *you*, she shall trip it, wherever she goes,
As light and fantastic as L'Al'legro's toes ;
Wade, swim, fly, or scamper, full-fledg'd and webb-footed,
Or on Pegasus mounted, well spurr'd and well booted,
With martingale fanciful, crupper poetic,
Saddle cloth airy, and whip energetic,
Girths woven of rainbows, and hard-twisted flax,
And horse shoes as bright as the edge of an axe ;
How blithe should she amble and prance on the road,
With a pillion behind for ——— ———.

But we will not pursue this branch of the subject, as we have no delight in pointing out faults. We are the more willing to do it, however, in the present instance, because the author has so many excellencies to redeem them. He has committed a serious error in sending out with his name such passages as the above, and some others which might be quoted. Had he pruned his compositions with a more unsparing hand, and set a higher value on his fame, the literary public would have much reason to congratulate itself on the new acquisition to its treasures, in the volume he has contributed. The author will do wisely to forsake his humorous strain, and make poetry more of a task, and less of a pastime, than seems to have been his habit. It was a maxim with the ancients, which the moderns have never called in question, that nothing good is brought to pass without labor. No proof exists, that poets are exempt from this common fatality of the human condition. Mr Brainard's graver pieces are much superior to his lighter and more playful, and his blank verse to his rhyme.

Art. XI.—CRITICAL NOTICES.

1.—*An Address to the Members of the Bar of Suffolk, Mass. at their Stated Meeting on the First Tuesday of March*, 1824. By William Sullivan. Boston, 1825, 8vo. pp. 63.

This is not a common oration; but a very interesting and valuable historical document, whose happy success will, we hope, be the means of giving a new character to some of our public discourses. Its author, the President of the Bar of Suffolk, if he had desired to make an eloquent harangue, could very easily have done it, with much less talent and labor than he has here exhibited. But, fortunately, this was not his purpose; and therefore, he has given us a very interesting and important mass of information concerning the passed progress and character of the Bar in the capital of Massachusetts, which is very curious to the present generation, which every day will render more valuable, and which posterity will regard as a document for the history of our institutions and manners.

The following extracts will serve as a specimen of the work, and at the same time impart some of the curious and interesting knowledge it contains.

'Hutchinson says, (1 vol. 400,) that, for more than the first ten years, the parties spoke for themselves; but sometimes, when the cause required it, they were assisted by a *patron*, or man of superior abilities, but without fee or reward. It marks the simplicity of the times, that the jury were, by law, allowed, if they were not satisfied with the opinion of the court, "*to consult any by-stander.*"

'There were *attorneys* here, about ten years after the settlement of the Colony. There is a notice of one *Lechford*, who came over in 1637; and who returned to England in 1641. He published a pamphlet called *Plain Dealing*, in which he says, that when he came to New England, he found that every church member was a bishop, and not inclining to become one himself, he could not be admitted a freeman among them; that the General Court, and Quarter Sessions, exercised all the powers of Parliament, King's Bench, Common Pleas, Chancery, High Commission, Star Chamber, and of all the other Courts of England. This man committed some offence, and was debarred from pleading any man's cause but his own. Deprived of practice, he returned to England in a dissatisfied humor, which probably caused his publication.

'In 1643 the Colony was divided into four shires. "Norfolk" included the present county of Essex, and also Dover, Exeter, Hampton, and Portsmouth.

'In 1647 the Governor and assistants ordered the importation of
2 copies of Sir Edward Coke on Littleton ;
2 " of the Book of Entries ;
2 " of Sir Edward Coke on Magna Charta ;
2 " of the New Terms of the Law ;
2 " of Dalton's Justice of the Peace ;
2 " of Sir Edward Coke's Reports.

'This importation was, probably, the first introduction of the *common law* into the Colony. But a change in practice was not among its immediate consequences. No historical attempt to trace the adoption of the common law, by our ancestors, has been made. It would be a very difficult labor, and is becoming, more and more, merely matter of curiosity. At the present day, we consider the whole body of the common law, which can be applied to our condition, *as our law.*

'In 1636 the Colony of New Plymouth recognised among what they denominated their "general fundamentals," "the good and equitable laws of our nation, suitable for us in matters, which are of a civil nature, (as by the Court here has been accustomed,) wherein we have no particular laws of our own." At the same time they recognised the trial by jury, as practised in England. But the first settlers in the Massachusetts Bay Colony, did not recognise the law of England ; but declared their own laws, and the law of God, to be their rule. After the charter of 1692, our ancestors made a formal declaration of privileges, in the spirit of *magna charta.* The common law does not appear to have been regarded under the old patent, nor after the charter of 1692, for many years. But yet its provisions were gradually adopted : in what manner, and on what occasions, cannot now be ascertained.

'The origin of our forms of process, may be traced in the volume called "The General Laws and Liberties of the Massachusetts Colony," printed in 1672. This was a revision of a code printed in 1648, of which no copy is now extant. Our process of review, so justly exploded, and our process of attachment, (which some persons think ought to be abolished,) may be traced to the early laws of the Colony.

'In 1654 there were attorneys here, some of whom practised in the Quarter Sessions, and some before the General Court, which exercised judicial as well as legislative power. In that year a law prohibited every person, who was an usual "or common attorney, in any Inferior Court," from sitting as a deputy in the General Court. It is probable, that the attorneys of these

days, were not of importance, in society; whatever they were, very little remains of them, in any records, public or private. The early simplicity of legal proceedings, undoubtedly, continued down to the time of the charter. The judges exercised a patriarchal, rather than a judicial authority. This may be inferred from the fact, that in 1681, Mr Hinckley, Governor of Plymouth, wrote to Mr Stoughton (who seems to have been the greatest judge of his time, though not a lawyer, but originally a clergyman, and then a magistrate,) for advice on a case, which had occurred in Plymouth. Mr Stoughton replied. "The testimony you mention against the prisoner, I think, is clear, and sufficient to convict him; but in case your jury should not be of that opinion, then, if you hold yourselves strictly bound by the laws of England, no other verdict, but *not guilty* can be brought in. But according to our practice, in this *jurisdiction*, we should punish him with some grievous punishment, according to the demerit of his crime, though not found capital."

'There was no law officer in public prosecutions. Hutchinson says, (1 vol 401,) on a verdict of not guilty, in a capital crime, it was permitted that one of the Court should rise, and charge the prisoner with some other crime, and so have a new trial ordered on such charge.

'During Sir *Edmund Andros*' short, but tyrannical reign, his secretary, the odious and rapacious *Randolph*. gives some account of the lawyers of that day. This man, in his office of secretary, considered himself entitled to all the clerkships in the country. He complained that one *West*, to whom he farmed a clerkship, "ran away" with £1000 yearly of his dues. In a letter to a correspondent in England, dated the 24th January, 1687, he says, "I have wrote you the want we have of two, or three, honest attorneys, if any such thing in nature. We have but two! one is West's creature, and came with him from New York, and drives all before him. He takes extravagant fees, and for want of more attorneys, the country cannot avoid coming to him. I have wrote Mr Blackthwaite the great necessity of judges from England."'

We hardly know what should be the effect of the very fair and accurate estimate, Mr Sullivan has made of the rewards obtained by the members of the Bar in Boston; but we should think no man would hereafter enter the profession in the Capital of Massachusetts with the hope of making a fortune, as a lawyer.

'If data were preserved, it would be easy to institute a comparison, as to the productiveness of labor in the various departments of industry, and especially as to those, which may be called purely intellectual. Some guide might thus be had in the selec-

tion of professions; and the overstocking of any one department, might be prevented. This supposition may be illustrated by the following statement, which is far from exact, but may be sufficiently so for the present purpose.

'The average of years to which professional labor may be extended, may be thirty-eight, that is, from twenty-two to sixty years of age. A generation is said to last twenty-eight years. If we take these twenty-eight years between the first of January 1784, and the first of January 1813, we shall embrace a period as various in good and ill fortune, as any which has occurred, (the revolutionary period accepted,) or any which is likely to occur. Within this space, many attempts were made to render the profession odious. The circumstances of the country, from the peace of 1783, to the adoption of the Federal Constitution, were exceedingly oppressive. In such times, professional agency has a very direct relation to real, or imaginary evils. The vice of the times, or the unwelcome operations of government, are referred to those whose duty it is to aid, in coercing the performance of contracts, or in furnishing a legal remedy for wrongs. Our profession was most reproachfully assailed by newspaper essayists; and even the legislature entertained projects of reform in practice, a reforming which belongs, when necessary, exclusively to the courts.

'In these twenty-eight years, one hundred and twenty-seven practitioners appeared in the supreme court in this county. Of this number, thirty-four left the profession before they had been half the assumed time of thirty-eight years in practice. They left it, because they had become independent of practice, from various causes, *but not from the receipt of fees.* Of the one hundred and twenty-seven, eight withdrew in consequence of popular election, or of executive, or other appointments. Four of these returned to the practice. Fifteen left the bar before they had been nineteen years in practice, *and engaged in other pursuits.* Nineteen died before half the supposed term (of thirty-eight years) had elapsed. *Not one fourth of these left any property, acquired in the profession. A majority of them left no property.* Eleven departed from the county, to try their professional fortune elsewhere. Some of them succeeded, and some entirely failed.

'Eight may be said to have survived practice. Thirty-two of the one hundred and twenty-seven are still in practice, and to these have been added so many as to make, at present, one hundred and sixteen.

'It is probable that none of the departments of intellectual labor, presents a more discouraging view, to one who can choose

his cast in society, than our own. No class of men devote more days of the year to responsible and wearing labor than we do. No class of men, collectively taken, have less to show as the product of labor. No class, consequently, have less hope of withdrawing from labor, and from the world, free from that solicitude, which belongs to the human heart, in relation to those, who may be left behind. The physician, the clergyman, the merchant, continue in, and feel a strong interest in their employments, to the last hours of life ; while the lawyer is ever ready to escape from his slavery, when the proper opportunity offers. Our clients judge only from the *short process* of submitting a cause to a court, or to a jury. They make little account of the years, which are spent in preparatory studies ; very little of the anxious and laborious hours, spent in preparing for that *seemingly short process*, while themselves are engaged in their pleasures, or devoted to repose. But this is the sombre side of the picture. If this world were intended for no other purpose, than to supply the common wants of our nature, if there were no such thing in it as the gratification of being useful to others, and serviceable to those, who come after us, in preserving, and transmitting free government, and individual, and national character, the common yeomanry of the land might claim a better existence than professional laborers. If we are poor in fee simple, in freehold, in choses in action, and in chattels ; if the quarter days of the nation, and the semiannual periods of monied institutions, have no attractions for us ; if we cannot expect to leave heirs, who will be thankful for our saving knowledge, or good luck, we have something to console us in our necessary connexion with the well-being of society, and in the promotion of the general good. We may relieve the dejection which comes over us, in the exhibit of professional poverty, by adverting to the confidence, which our fellow-citizens, in this free and happy land, have been pleased to repose in us. Within the memory of many who are present, the bar of Suffolk has yielded a President, and Vice President, of the United States.

'Three Chief Magistrates of this State.

'One Chief Justice, and five other Justices of the Supreme Judicial Court.

'One Judge of the United States Circuit Court, and one District Court Judge.

'Five Senators in Congress.

'Eight Representatives in Congress.

'Two Ambassadors, and one Commissioner in Europe.

'Thrice the office of Attorney General has been filled from this bar.

'The office of President of the Senate has been twice, and the office of Speaker of the House of Representatives thrice filled by members of our fraternity.

'Fifteen of this bar have been Senators in Massachusetts.

'The office of Comptroller of the national treasury, that of Secretary of War, and that of Secretary of State, have been been held by some of our members.'

We cannot leave this very interesting discourse, without again expressing a strong hope, that it may have the effect of calling forth similar publications in the different capitals and counties of our country. They would be eagerly read by the present generation, and gratefully consulted and used by the next.

2.—1. *The African Repository and Colonial Journal. No. I. March*, 1825. Published by order of the Managers of the Colonization Society. Washington.

2. *The Eighth Annual Report of the American Society for Colonizing the Free People of Colour of the United States. With an Appendix.* 8vo. pp. 69. Washington, 1825.

The American Colonization Society has commenced the publication of a periodical journal, with a view of promoting the interests of the Society, and diffusing a knowledge of its objects. The Managers state it to be the particular purpose of this work, to 'furnish the public with accurate information concerning the plans and prospects of their institution, to give a minute account of its operations, and of the condition and progress of the colony, to communicate any new and interesting intelligence which may be received relating to the geography, natural history, manners and customs of Africa; and to admit into its pages such essays as may be thought calculated to advance the interests of the Colony, or the cause of African improvement, as well as select passages from authors, who have already written on this subject, and important extracts from the reports of such foreign associations, as are making exertions to suppress the slave trade, or relieve the African race.'

A work well conducted for these ends may be made eminently serviceable to the cause, in which the Society is engaged. Ignorance of the actual state of things in Africa, of the character of the natives and resources of the country, is one of the great obstacles against which the friends of colonization have to contend; the want of an enlightened zeal in the noble objects contemplated

is another. The plan of a periodical work is well calculated to remove this ignorance, and inspire this zeal, by presenting the subject repeatedly to the public in its different aspects, and sending abroad a mass of information, as interesting as it is novel, which could not be so conveniently communicated in any other manner. The editor has the whole compass of African history before him, from which to select important facts and draw useful results, as well as passing events to record respecting the slave trade, colonization, and African improvement. With these resources to give it value and interests, the work cannot fail to be worthy of general patronage. It may further be added, that the profits of sale are to be devoted to the purposes of the Colonization Society.

The Eighth Annual Report represents the colony to be in a prosperous condition Mr Gurley, the Society's Agent, has visited Liberia during the past year, and his account of the state of things there, is highly encouraging. Two agents, the Rev. Mr Boyd and Dr Ayres, were commissioned a year ago to visit the middle and eastern states as agents for the society. In their report is the following statement.

'A distinguished Member of Congress, from New England, after expressing his disbelief in the practicability of the undertaking, observed, "Gentlemen at the South, have given this subject more thought than I have, and they think differently. It is a matter in which they are more particularly interested; and I am of the opinion, that if they will bring forward any definite proposal to Congress, for which they will hold themselves responsible, and which it is in the power of Congress to grant, they ought to be assisted to a reasonable extent." He concluded by saying, "I will vote for any proposition, under the above restrictions, which Mr Clay or Mr Mercer (both of them being of the Society) will bring forward; and I am fully of the opinion, that the Representatives from the Eastern States will agree with me, in this view of the subject."

'Your Agents, in concluding their Report, beg leave to remark, that, in their opinion, little dependence can be placed upon any effectual or permanent pecuniary aid from the Northern and Eastern Sections of our country; while at the same time, they are persuaded, from what they saw and heard, that if it should please the national legislature to take this subject into consideration, and aid the cause of the Society, it will meet with almost universal approbation.'

We hope the subject will soon be brought in a proper shape before Congress, and we have no doubt, the opinion of the dis-

tinguished member above alluded to, in regard to New England, will be verified.

3.—*Essays on some of the First Principles of Metaphysics, Ethics, and Theology.* By Asa Burton, D. D. 8vo. pp. 414. Portland, 1824. A. Shirley.

Although much the larger portion of this work is devoted to Metaphysics and Ethics, yet the author tells us that he designs it mainly as an introduction to Theology. To convince us, that he has no favorite theory to support, and no imaginary hypothesis to build up, he affirms at the beginning, that he means to take *facts, experience,* and *common sense* for his guides. On this foundation he hopes to erect a durable structure, consistent with the nature of things, and in harmony with all the faculties of the mind. He set himself an arduous task, and has labored with diligence to accomplish it; but with what success, we forbear to judge. The truth is, that with a good deal of simplicity of style, and apparently well disciplined habits of thinking, the author has contrived to make a book with very few attractions. He does not want method or perspicuity, two very essential requisites in treating subjects so abstruse and crabbed, as those with which he grapples, but there is a monotony in his way of writing, a sort of prosing formality, a mode of saying things without exciting interest or making an impression, which are heavy obstacles in the way of a reader.

The common metaphysical topics are first discussed, such as the faculties of the mind, the understanding, perception, memory, judgment, conscience, will, and moral agency. Then come ethics and theology, disquisitions on the nature of good and evil, on motives, and that most entangling of all subjects, the decrees and prescience of the Deity, a subject in which so many great minds have been confounded and lost, from the days of St Austin down to the present time. We have, also, an essay concerning a taste for beauty, novelty, and grandeur. The author says, 'some of the essays were written in too much haste, owing to numerous avocations and interruptions.' This is no apology. No man is excusable for writing in haste for the press, and especially on metaphysics. A political harangue, intended to influence an election, may be thrown off as rapidly as the writer chooses, and then pass for what it is worth, and be forgotten. Not so with topics of wide and lasting interest. Mr Burton uses *progress* as a verb, in imitation, we suppose, of our members of Congress.

4.—*A Catalogue of American Minerals with their Localities; including all which are known to exist in the United States and British Provinces, and having the Towns, Counties, and Districts, in each State and Province, arranged alphabetically; with an Appendix containing additional Localities, and a Tabular View.* By SAMUEL ROBINSON, M. D. Boston. Cummings, Hilliard, & Co. 1825. 8vo. pp. 316.

THE attention, which has been bestowed on mineralogy in all parts of our country within a few years, has brought to light a vast number of interesting and valuable substances, of which notices have from time to time appeared in the various scientific journals, and similar publications.

Dr Robinson informs us, that for his own convenience he commenced a catalogue of these substances, 'having in many instances experienced much difficulty in finding localities, which had been published, and in ascertaining what minerals were near him in his excursions. Believing that this catalogue would be as useful to others as to himself, he has offered it to the public.' In doing this he has established a claim to the gratitude of all, who take an interest in this fascinating pursuit, for he has relieved them from the trouble of consulting no small number of volumes, through which the notices of minerals and localities are scattered.

This publication has no pretensions to originality, except so far as regards the arrangement. The names of the towns are arranged alphabetically under each state, and under each town we have a list of the minerals said to have been found in it, with such directions as will guide the traveller to the spot where they occur. The compiler remarks, that he is not responsible for the correctness of the notices, and has accordingly given at the end of each, the authority upon which it rests. Many of these are now known to be incorrect, and it is to be regretted that Dr Robinson did not visit the localities in person, or examine the specimens, all of which can probably be found in some of the extensive cabinets of our public institutions, or in private collections, to which access could have been readily obtained. It has unfortunately happened in this country, that in the ardor with which mineralogy has been entered upon by our students, instances are not unfrequent where a desire of being distinguished by the title of a mineralogist, has been more conspicuous than that of being an accurate observer; and hence lists of minerals have been published which cannot be fully relied on.

The work of Dr Robinson would have been more valuable,

had it been compressed one half, and published in a less expensive form; and still more so, had more caution been observed in copying the notices of new minerals and localities.

5.—*Antiquarian Researches, comprising a History of the Indian Wars in the Country bordering on the Connecticut River and Parts adjacent, and other interesting Events, from the first Landing of the Pilgrims, to the conquest of Canada, in* 1760; *with Notices of Indian Depredations in the neighbouring Country, and of the first Planting and Progress of the Settlements in New England, New York, and Canada.* By E. Hoyt, Esq. Greenfield, Mass. 1824. Ansel Phelps. 8vo. pp. 312.

So fully has the history of the Indian Wars in New England been detailed by Hubbard, Morton, Church, Prince, Mather, Hutchinson, and the Historians of the several states, that few original materials are to be expected at this day, which shall throw new light on the subject. Mr Hoyt informs us, however, that he had access to several documents, which had not been published and which contained many interesting particulars, respecting Indian warfare on the Connecticut river. The rich country along the banks of that river was early settled, and the settlements in those regions were for a long time frontier posts. Being so far separated by a wilderness from the colonies on the sea coast, they were exposed to perpetual depredations from the hostile Indains; murders were often committed, houses burnt, storehouses and provisions destroyed, and every species of annoyance was suffered, which the ingenuity and cruelty of a savage enemy could inflict. Heavy and dark were the clouds of adversity, that hung over the hardy and brave people, who marched in the van of civilization in those days of privation and peril; many were the hard fought battles in which they were engaged, and many the feats of valor performed by heroes now forgotten, whose exploits would have gained for them, on the fields of Austerlitz or Waterloo, bright and imperishable wreaths of glory.

It was the author's chief purpose to make public the substance of the unpublished documents above referred to, and as the best mode of doing it, he has composed a short history of the early settlements of New England, and of the Indian wars down to the year 1760, interweaving his original facts in their proper places. He begins with a short introduction, in which are brought together the dates and some of the principal events of the first discoveries

and settlements in North America, comprising the voyages of the Cabots, Aubert, Verazzani, Cartier, Gilbert, Raleigh's expeditions, Chauvin's and Champlain's discoveries in Canada, accounts of the French settlements on the river St Lawrence and in Nova Scotia, of the discoveries and establishment of the Dutch at New York and on the Hudson, and of the Swedish colony on the Delaware. After an outline of these events in the introduction, the author begins his history with the landing of the pilgrims at Plymouth, and a brief enumeration of the causes, which induced them to seek a home in the wilderness of the western world. The narrative of Indian wars commences at a very early date, even before the pilgrims had taken up their residence on shore. They did not land in a body till the twentysecond of December, but as early as the seventh of that month, Miles Standish, the Joshua of the expedition, 'landed a party of men, and traversed the shore, while the remainder continued along the coast in the shallop, and the next day the party on the land fell into an ambuscade of the Indians, and received a sudden flight of arrows; a charge of musketry from the English instantly drove them from their cover, and they soon disappeared.' Such was the first salutation given by the pilgrims to the savages, to whose power they knew they must for a time entrust themselves, and with whom every motive of personal safety and religious principle urged them to cultivate the most amicable relations.

It is no wonder, that bloody and ceaseless wars followed; the policy of the first settlers seems to have been to intimidate the Indians with a show of their superior sagacity and strength, rather than to meet them with the olive branch of peace, and proffer the hand of friendship. How different was the conduct of William Penn, and how different the results. No doubt the Indians were quick to avenge a wrong, and quick to suspect one where none was meant; but our fathers forgot that these sons of the forest were savages, uncultivated, and undisciplined in the school of civilized life, and of christian morals; they forgot that they were themselves intruders in the land, and that the soil stained by the blood of their battles was the Indians' property, which the laws of nature and of right called on them to defend. We do not mean to say, that the settlers were always the aggressors, or that they could have avoided occasional wars; indeed, we will not pretend to say what they might or might not have done; but we hold it to be a truth fully established by all history, that the course which they actually pursued was oftentimes very unjustifiable, and that in their intercourse with the natives they were uniformly guided by a policy, which indicated very little knowledge of the first principles of human nature, or regard for the rights and welfare of the Indians.

There was seldom a time, during the first hundred years of the colonial history, when wars did not prevail somewhere. The earliest serious contest was with the Pequots, a powerful tribe of Indians, whose head quarters were in the present towns of Stonington and Groton. Captain Mason attacked the Pequots in their forts, with great bravery, and gained a decided victory. The whole tribe was dispersed and conquered, and their renowned chief, Sassacus, fled to the Mohawks for refuge, by whom he was soon after slain. The war with the Pequots took place in 1637, about seventeen years after the first landing at Plymouth. The colonists were assisted in this war by the Mohegans, under their chief, Uncas, who was always a friend to the whites.

But the most celebrated contest was, what has been called *Philip's War*, which commenced about the year 1675. Philip was the Tecumseh of his time ; shrewd, observing, and possessed of a vigor of intellect and character much superior to that of the Indians generally, he formed the scheme of expelling the English entirely from the country. He foresaw the fate impending over all the nations of the red men, if the numbers and strength of the new settlers were allowed to go on increasing as they had done till that time. The tree had already become a large one, and to tear it up by the roots, he clearly saw, was the only mode of stopping the evil of its growth. His plan was to unite all the Indians in the common cause, and to merge their private differences in a united war for exterminating the whites. The project was grand and imposing, and although it was not possible, even for the deep policy and extraordinary energy of Philip, to carry it entirely into effect, yet he succeeded in spreading annoyance and alarm throughout the country, and in keeping up a war of longer duration and more destructive in its effects, than any other in the annals of Indian hostility. Philip was at last killed in a skirmish with a party under command of the celebrated Captain Church, and the contest was brought to an end. This great chief lived at Mount Hope, near the present town of Bristol, in Rhode Island, and was killed in a swamp in that neighborhood. He was the son of Masassoit, with whom the pilgrims formed a league of amity soon after their establishment at Plymouth, and who remained the firm friend of the whites for fifty years. There have been various opinions respecting the causes which provoked Philip to his violent hostility, but it has never been doubted, that he was a man of great wisdom, valor, and force of mind.

Mr Hoyt devotes one chapter to what he calls the *War from the Invisible World*, in which he gives a brief history of the sanguinary era of witchcraft. The Indian disturbances growing

out of the French wars in Queen Anne's time, and afterwards, are also dwelt upon at proper length. In short, whoever would see all the important events in the general history of the Indian wars, brought together within the smallest space, will probably find no work more to his purpose than this volume.

6.—*An Address delivered in Nashville, Tennessee, January* 12, 1825, *at the Inauguration of the President of Cumberland College.* By PHILIP LINDSLEY, D. D. President of the College. Nashville. J. Norvell. 8vo. pp. 48.

DR LINDSLEY is well known by his academical and public labors, while professor and vice-president of the College at Princeton. His acceptance of the charge of Cumberland College is an event auspicious to the cause of letters in the West, and his Inaugural Address exhibits abundant proofs of his having reflected deeply on the nature and importance of his new duties, as well as on the principles and means of education in general. He takes a wide view of the subject, and examines some of the principal modes of teaching, as they have been practised in early and more recent times. From this examination he draws results suited to the condition and prospects of the western country, and his opinions are uniformly sound, liberal, and practical. He speaks at some length, and with much approbation, of the school at Hofwyl, and thinks Fellenberg's system might in part, at least, be advantageously introduced at Nashville.

The following remarks are judicious, and relate to an important subject.

'A leading defect in the American system of education, is the want of good preparatory schools. This evil is felt and acknowledged in a greater or less degree, in every part of our country. Colleges complain, and with abundant reason, that very few of their pupils come to them well taught even in the few elementary branches which their statutes require as qualifications for admission. I should be within bounds, were I to affirm, that, during my connexion with one of our most respectable colleges, not one youth in ten entered it thoroughly prepared. It cannot be supposed that the grammar schools are on a better footing in the western than in the middle states. The truth is, that no regular efficient system has as yet been adopted any where. This matter is left too much to chance, or to individual enterprise. Sufficient encouragement is not usually given to classical teachers to render their profession lucrative and honorable, so as to command the services of men of talents and learning. Without this induce-

ment, such men will seldom consent to teach; except it may be for a season, as a matter of convenience or necessity, and as the means of rising to some other and better occupation.' p. 45.

'Our country needs seminaries purposely to train up and qualify young men for the profession of teaching. Though the idea perhaps may be novel to some persons, yet the propriety and importance of such a provision will scarcely be questioned by any competent judges. The *Seminarium Philologicum* of the late celebrated Heyne at Gottingen, though a private institution in the midst of a great university furnished to the continent of Europe, during a period of nearly half a century, many of its most eminent and successful classical professors and teachers. We have our Theological Seminaries, our Medical and our Law Schools, which receive the graduates of our colleges, and fit them for their respective professions. And whenever the *profession* of teaching shall be duly honored and appreciated, it is not doubted but that it will receive similar attention, and be favored with equal advantages.' p. 46.

This plan of educating teachers, as constituting a distinct profession, is worthy of much consideration. Its great utility cannot be doubted, but whether it is practicable in this country, where as yet few young men set out in life with the intention of becoming professional teachers, may best be proved by an experiment. With suitable aid from a state legislature it would be successful, and we can hardly imagine a more important object of legislative concern and bounty.

In speaking of the discipline of colleges, President Lindsley makes some very sensible observations.

'Those who have had most experience in the management of youth, know full well the difficulties which it involves, and can best sympathise with their fellow-laborers in this important concern. So much depends on the previous training of youth while under the parental roof, on the sentiments there imbibed and the habits acquired, so much on public opinion, both in the particular place where a college is situated, and in the community at large —so much on those who have the supreme direction and control of its interests—that it is not easy to mark out the course to be pursued by a Faculty, prior to any experience, in circumstances which to them may be entirely novel. In general, it may be remarked, that the government of a college ought to be, as far as practicable, strictly parental. Every instructer ought to conduct towards his pupils, and to be esteemed by them, as a father, or elder brother. They ought to regard him as their best friend, and to confide in him as such. Wherever this mutual confidence and affectionate intercourse do not obtain, the connexion will neither be happy nor beneficial.

'In a college, established upon the ordinary plan, the youth are necessarily left much to themselves. They constitute a large family, or a small community; have their laws, rules, usages, rights, and privileges; are dealt with, not as children, but as young gentlemen; the sanctions of authority, the rewards and penalties, are all addressed to the sense of duty, of honor and shame. If they cannot be sufficiently controlled upon these principles, or restrained by moral and religious considerations, there remains no alternative but temporary or absolute and final dismission from the institution. How much, therefore, depends upon the prudent, judicious, temperate, vigilant, mild, firm, equitable, and faithful administration of its government may readily be imagined. On this subject it is much easier to speculate wisely than to execute skilfully. Some men may entertain the best theory in the world, and yet be utterly unfit for practical service. They may talk sensibly enough, prescribe well, and resolve how to act in any given or supposable emergency, but when the trying crisis arrives they know not how to avail themselves of the peculiar features and circumstances of the case, or when to seize upon the favorable moment for prompt decision, or how to gain access to the heart and understanding, or in what direction to turn the popular current, or whether to exercise extraordinary lenity or extraordinary severity. They have not the presence of mind, that complete self possession, that instantaneous and intuitive perception of what is proper and expedient, which alone can command and ensure success. They are, in a word, destitute of that natural *tact*, that instinctive sensibility to every expression of the countenance, and to every symptom which a word, a look, or a movement may indicate, and which, though no art, is superior to all art, and can never be learned in any school. All the avenues to the human heart, all the springs of youthful action, and all the modes of allaying and regulating youthful passion, must be so obvious and familiar, that a man may be said, at the instant, rather to *feel* his way than to study or devise it.' pp. 38—40.

Among other branches, which are to form the academical course at Cumberland College, we are glad to find the learned president insisting with particular emphasis on a thorough acquaintance with the Latin and Greek Classics.

7.—*Lectures on Geology, being Outlines of the Science, delivered in the New York Athenæum, in the year* 1825. By Jer. Van Ransselaer, M. D. New York. Bliss & White, 1825. 8vo. pp. 358.

In a preliminary notice to this volume the author says, 'there is no work published, it is believed, that even hints at the many important points properly treated under the head of geology, most authors on this subject having confined themselves to theories and rocks.' How far this very broad position will gain the assent of professed geological writers, we shall not presume to say, but we agree with Dr Van Rensselaer, that a good work on geology, as a separate science, is a desideratum. It may be doubted, however, whether the time has come when such a work can be formed on principles of much scientific accuracy. Mineralogists are the pioneers of geologists, and the accumulation of facts discovered and arranged by them will doubtless by degrees form a basis, on which geology may be erected as an independent science. Some of its elements already begin to assume a consistency, and to admit of being arranged into a regular classification, but as a whole it must, after all, be confessed, that geology has not yet been exhibited in any other garb, than that of a *theory*. The old mode of constructing the earth *a priori*, after the manner of Burnet, Leibnitz, and Whiston, is happily deserted, and geologists are now beginning at the other end of the process, and following up the thread of analysis. This method promises success to a certain extent; the structure of the outer covering of the earth may thus be examined, and important scientific results deduced, which will be not more curious in themselves, than useful in the arts of life, since all the sources of the sustenance, comforts, and present wellbeing of men, even the elements of the bodily system, are drawn from the earth's surface. Geology in these relations is a science of dignity and value; but when it dreams of central fires or chaotic elements, when it presumes to go back and take cognizance of the creation, it leaves the walks of science, and pursues the shadow of a theory.

The author divides his subject into six lectures, to which he adds a synopsis of rocks. In his first lecture he draws a rapid sketch of the old theories, and clears away the rubbish so industriously heaped up by the learned ignorance and childish visions of former times. Thus prepared, he in the next lecture enters in earnest upon his work. He assigns one characteristic to his science, however, which seems to us somewhat extraordinary. Perhaps we do not understand it. After a short and appropriate defini-

tion of Geology, he adds, 'it aspires to record events of that period of time, when not only the earth, but the whole planetary system was uncreated.' This is really ascending very far into the chronicles of ages gone by; it will be a curious book, which some future geologist will write, concerning the events that took place before the earth and the planets were created. The author makes no attempt of this sort, but confines himself very soberly to the surface of our own planet, as it now exists; and as far as we are capable of judging, he has been successful in his purpose of writing a practical treatise on geology. He considers the science in its elementary branches, and pursues his investigations with method, and commonly in a conspicuous order. He aims at facts rather than deductions; he supports no theory, and very rarely loses himself in a speculation.

After the author's declaration that he had endeavored to convey his meaning 'in the plainest possible language,' we were a little surprised at some of the specimens of his style. Good taste, and chaste, simple, unadorned language, are no where more requisite, than in communicating truths of science. The imagination has but a slender part to act here; *ideas* are the soul and substance of the whole matter, and they should be expressed in words, which will convey as nearly as possible their precise meaning, and nothing more; when obscured by extraneous images much of their force is lost. The French have excelled in the beauty of their scientific compositions. In our own tongue Playfair and Bowditch furnish models, which may be safely studied and imitated. In the first page of Dr Van Rensselaer's lectures we have the following passages; 'When the sun of science, towards the close of the 15th century, dawned on Europe, from the dark cloud, which, for nearly 400 years, had enrapt [?] intellectual progress, there were but four classics in the Royal Library of Paris.' Again, he talks of 'walking in the delightful suburban grove of Athens,' and of 'the vegetable carpet of nature which covers our planet.' In some parts, also, there seems to us an unnecessary affectation in stringing together technical terms. In speaking of *Green Sand*, for instance, the author names forty species of testacea, which are found in it, beginning as follows, 'ammonites, nautilites, hemites, turrilites, belemnites, helix, trochus, solarium, turritella,' and so on to the end of the list. The same thing occurs in many places, where we are edified with a jingle of names by the half page together. In the minuter works of science all these have their appropriate station, but in an elementary treatise on geology they are strangely misplaced.

Since we are on this topic of saying right things in the right

places, we cannot refrain from adding one word more, respecting the singular appendage, which the author has attached to his name on the title page of his lectures. For the benefit of all concerned, we copy the whole paragraph *literatim et punctuatim*, as it is there printed;—'M.D. *Associate and Lecturer on Geology to the Athenæum*, Member of the Royal Medical Soc. Edin.; Cor. Memb. of the Royal Academy of Sciences, Naples; of the Linnean Soc.—of the Society of Encouragement, and of the Medico-physic. Soc. Paris; Director of the American Academy of Fine Arts; Cor. Sec'y of the Lyceum of Natural History, and of the Newyork Horticultural Soc. Sec'y of the Liter. and Philosop. Soc. and Member of the Historical Soc. Newyork; Member of the Soc. of Natural History, Leipzic—of the Soc. for promotion of Arts, and Cor. of the Lyceum, Albany.'—The explanation of these ominous contractions, and the character and purpose of these numerous societies, we leave to the ingenious investigation of our readers, deeply lamenting our own ignorance, when we reflect, that a countryman of ours should be honored with a membership in so many societies, of whose very existence, much less the renown of their achievements, we have never before heard. As this is a matter of opinion and fancy, we shall not quarrel with any one for the notions he may entertain, but really the honor of wearing literary titles, and of belonging to societies of all ranks and gradations, from Mite Societies up to the mammoth society projected in Washington three years ago for civilizing and christianizing all the Indians in the United States; we say, the honor of arriving at such distinctions has become so very cheap in these days, that it seems hardly worth while to be at the trouble of perpetuating it by any written memento. Academical initials have lost their power to command the respect either of the wise or ignorant, by being so profusely and indiscriminately scattered, that the most blunted intellect plainly perceives they have no meaning. And as for societies, which hang out pompous titles, and meet annually to elect officers and publish their names, but do nothing all the rest of the year, it would seem upon sober reflection to be rather a disgrace than an honor to belong to them. Were an individual to make the same parade and pretensions, he would be ridiculed for his presumption and vanity, in attempting to obtrude himself into a notice he did not deserve. There may be other kinds of quackery less innocent, but there is certainly none more ridiculous than literary quackery.

3.—*The Leper of Aost; translated from the French of* Lemaistre. Boston. Cummings, Hilliard, & Co. 12mo. pp. 37.

The Leprosy, in the middle ages, was one of the most terrible afflictions known amidst the disasters of Europe. It was believed to be peculiary contagious; and that not only the touch, but the sight of persons suffering under its loathsome effects, was sufficient to communicate the infection. Of course, as no remedy was known for it, those upon whom the curse fell were cut off from the intercourse of man. In some of the countries it visited, funeral rites were performed upon their living and suffering bodies; and the lepers were from that time considered dead men, and barely furnished with food and raiment in some solitary place, where they were thenceforward compelled by the common fears of society to drag out the remainder of their miserable existence without relief or hope.

The progress of civilization and the extension of the comfortable means of nourishment and clothing to all, has nearly driven this odious disease from the borders of Europe, while at the same time the progress of science and medical knowledge has taken from it the power that made it so terrible. Still it is not entirely unknown, and still in some places the fears and prejudices of society have not been entirely overcome.

Count Lemaistre, therefore, in the simple and very powerful little tale, called 'The Leper of Aost,' has taken one of the last instances of secluded leprosy, as the foundation for exhibiting, in a very striking and picturesque manner, the effects of solitude, on one, who both from a sense of duty and from necessity is cut off from all intercourse with man. The scene is laid near the city of Aost or Aousta, formerly called Augusta Prætoria, and situated at the foot of the Alps, in Piedmont. Count Lemaistre supposes a French officer in the year 1797, to have accidentally entered a small garden with a ruined tower in the midst of it; which has been appropriated to the residence of a Leper, where he was comfortably provided for, and where, surrounded by the beautiful and magnificent scenery of that picturesque region, he enjoys whatever can be enjoyed by one, who is, indeed, ignorant of the world from which he is cut off; but who has a heart full off sensibility and tenderness.

'*The Leper* says, "He who loves his cell, will find peace therein," as we read in the Imitation of Jesus Christ. I know something of the truth of these comforting words. The impressions peculiar to seclusion are soothed by useful employment of our

time. Those who work are never entirely miserable, and in this too I may serve as an example. During the fine season, the culture of my garden, and of my parterre, occupy me sufficiently. During the winter, I make baskets and mats; I make my clothes, prepare my daily meal; and prayers fill the time that is not otherwise filled. In this way the year ends, and when it is gone, I have always found it to have been too short.

'*The Officer.* I should think, it would seem to you a century.

'*The Leper.* Pain and sorrows render *hours* long, but *years* fly always with the same rapidity. Besides, in the extreme condition of human misery, there is yet a pleasure, that men generally do not know, and which may seem to you singular; I mean that of existing and breathing. I pass whole days in the summer motionless on this wall, enjoying the air and the beauty of nature; all my ideas are then vague and confused; gloom fills my mind, without oppressing it; my eyes wander over the fields and rocks which surround us. Their different aspects are so deeply impressed on my memory, that they form, as it were, a part of myself; and every resting-place is a friend, which I rejoice to find again the next day.

'*The officer.* I have often been filled with feelings like these. When I suffer, and do not find in other breasts what mine anxiously calls for, the view of inanimate creation consoles me. I feel an affection for trees and rocks, and it seems to me, that all creatures and forms of nature are friends which God has given me.

'*The Leper.* You lead me to explain what I feel. I truly *love* the objects that are (if I may say so) the companions of my life, and the friends I see every day. Every evening before I retire to the Tower, I greet the glaciers of Rintorts, the dark forests of the Saint Bernard, and the fantastic peaks that rise over the valley of the Rhone. Though the omnipotence of heaven is as plain in the creation of an insect, as in that of the whole universe the great spectacle of the mountains overwhelms my mind. I cannot without religious rapture look on these enormous masses, covered with perpetual snow. But in the midst of this splendid scenery, which surrounds me, I have some favorite places which I prefer, one of which is that hermitage which you see on the summit of Mount Charvensod. Insulated in the midst of groves, in the vicinity of a desert field, it receives the last beams of the retiring sun. Though I have never been there, I delight in gazing on that spot. When the day declines, I sit down in my garden, keeping my eyes fixed on that solitary abode, and my fancy finds there a happy repose. It has become to me like a possession; it seems as if some confused recollection was bringing me back, to a time when I was happy there, and the memory of which is effaced;

I like still more to contemplate the distant mountains, which separate themselves only by feeble outlines from the blue horizon. Like futurity, distance awakens hope in me; my oppressed heart attaches itself to the possibility of a far existing land, where, at some future period, I shall finally enjoy the pleasure for which I pine, and which a secret instinct shows me incessantly, if not as real, yet at least as possible.

'*The officer.* With your lively sensibility, you must have been obliged to make great efforts to become resigned to your destiny, and not to abandon yourself to despair.

'*The Leper.* I should deceive you if I were to tell you that I am always resigned to my fate. I have not yet obtained that self-control and absolute sacrifice, to which some anchorites have arrived. That entire renunciation of human affection is not yet accomplished: I spend my life in a continual struggle, and the powerful assistance of religion itself is not always strong enough to repress the rebellious movements of an imagination, which urges me often against my will, into the midst of chimerical wishes, that carry me back to a world I know not, but whose fantastic image always stands ready to awaken my anguish.

'*The Officer.* Ah! If I could make you read what is in my soul, and give you my ideas of the world, your wishes, and even your regrets, would soon vanish.

'*The Leper.* In vain books have taught me the perversity of men, and the miseries inseperable from human nature; my heart refuses to believe them. I represent to myself, continually, societies of sincere and virtuous friends; families blessed with health, youth, fortune, and harmony; I imagine I see them walk in groves greener and fresher than these, the shade of which makes my poor happiness; brightened by a sun more brilliant than that which sheds its beams on me; and their destiny seems to me as much more worthy of envy, in proportion as my own is more miserable.'

We have given the above as a specimen of this singular and eloquent little work. It goes deep into the secrets of the human heart; and will be particularly interesting to all, who are touched with sorrow or suffering under the dark dispensations of Providence. We commend it, indeed too all, for it is a work of a somewhat new character; and must on many accounts be attractive to all.

It is a curious circumstance attending this little publication, which has accidentally come to our knowledge, that the present very spirited and idiomatic translation has been made by a distinguished literary and scientific foreigner, attached to one of the legations in this country.

9.—*The Latin Reader. From the fifth German Edition.* By Frederick Jacobs, Editor of the Greek Anthology, the Greek Reader, &c. Northampton. 1825. 12mo. pp. 150.

We are glad to see another good schoolbook added to the number of those already in use for initiating children in the Latin tongue. The change in the state of learning and objects of education in modern times has produced, though tardily a correspondent change in books of this class. From the revival of letters until within a few years the lisping learner was taught, in the first place, the elements of familiar conversation, conceived in terms, some of which were unknown to ancient Rome, and others were forced to stand for ideas which never entered the mind of a Roman. This was necessary in the time of Ludovicus Vives, and Erasmus, and Corderius; and these great men could hardly do a better service to the cause of newly awakened learning than to assist in training children, from their tenderest years, to a familiar use of the Latin, and a ready application of it to all subjects; for this was to supply them with the only instrument and vehicle of knowledge, and the only foundation of future distinction. Hence, Vives might well say, as he did in the dedication of his 'Institutio,' 'Latinæ linguæ permagnæ sunt, et ad *loquendum* et recte sentiendum, utilitates; est enim ea veluti thesaurus quidam omnis eruditionis;' and Erasmus manifested an affectionate solicitude for his godson's welfare, when in the epistle to him, which he sent with his Colloquies, he says, 'A nobis curatum est ut prima linguæ tuæ *balbuties* Latinis literis formaretur.'

But times are much changed. As long ago as the middle of the last century, it was said, 'The *talking* of Latin is so little used in England, that gentlemen, who understand the classics very well, would be hard put to it to maintain a quarter of an hour's conversation in that language;' and at the present day, we believe, a much shorter task would be no less difficult to gentlemen of the same learning. On the continent of Europe, where, for various reasons, the art of conversing in Latin has longer continued to be cultivated, it is every day less practised, and when it is so, is regarded rather as an irksome necessity than the exhibition of a liberal and scholarlike attainment.

It is not our purpose here to speak of the advantages of classical learning; but we rank ourselves among its friends and advocates, and esteem every plan of liberal education as essentially defective, into which it does not enter for a large share. We therefore notice with satisfaction every change in the mode of teaching

it, which, by divesting it of a scholastic air, breaks off its alliance with pedantry, and applies it directly to its true use, in disciplining the understanding and forming the taste.

The 'Latin Reader,' by Professor Jacobs, is a counterpart to the 'Greek Reader' of the same learned author, which has already been some time before the public. For its publication we are indebted to Mr Bancroft, of the flourishing seminary at Northampton, who, in consulting the interests of his own pupils, has also gained a title to the thanks of others engaged in similar pursuits. In the editor's preface is given the following explanation of the objects of Professor Jacobs in the present work, taken from his German prefaces.

'According to the custom of our schools, the learning of Latin is begun in those tender years, when the understanding has hardly been exercised; and this study is almost the first, which awakens and directs the attention to abstract ideas. The first book is, therefore, so arranged, as not only to facilitate the acquisition of a mechanical knowledge of the Latin, but, what for the general purposes of education is far more important, to convey an idea of the formation and structure of the language.

'It is desirable, especially where there exist no monuments to remind us of the classic ages, to choose for the young mind subjects, which shall at once lead to some knowledge of antiquity. It is not unimportant, what topics are presented as first exercises. No age should be little esteemed; and those who are to become scholars should never be employed upon subjects, which can excite no interest and impart no instruction. Above all things they must be early introduced into the ancient world, that their first associations may be connected with it. In this view it will be acceptable that an outline of the history of Rome, and some geographical notices of the ancient world are introduced.

'The pupil may be employed upon the easiest lessons in the Reader, as soon as he has become familiar with the declension of the nouns and the regular conjugations. The exclusive study of grammar retards the learner. He must soon begin to read, and, while he is thus exercising all that he has learnt, be made to continue the study of the elements. He will find his progress in reading attended with no increasing difficulty, as the work is so carefully arranged that there exist no rapid transitions.'

'The editor, in publishing this work in America, has been influenced by a sincere belief, that it forms an easy introduction to the language and character of the Roman world.'

One objection to the books in present use, with which this comes in competition, is, that they are wholly or in part made up of Jewish history, and so far, however pure their style may

be, their subjects and the associations they awaken, are foreign from Roman literature and adverse to the formation of a just taste in it; while, considered as a part of the Scriptures, they fall under that rule of propriety, which, it is agreed, should rescue the Greek Testament from the hands of the younger class of learners.

It is worthy of remark that this little volume is printed with uncommon neatness without being sumptuous, and from our examination of it, we are inclined to think it excels in that minute accuracy so important in schoolbooks. In some instances the student is guided to a right pronunciation, by a mark denoting the quantity of the penult syllable, when it depends on authority only. We wish the same had been done in all words of this description. Many learn some Latin, and turn it to good account, who yet never acquire skill in prosody. Their studies are broken off before their ear is formed by the often repeated oral corrections of the instructer; and it is with painful uncertainty, in after life, that they venture to pronounce a quotation, because when the orthography and meaning of the terms were first learned, a just accent was not associated with them.

The volume of the Latin Reader now published embraces only the first of three parts, into which the whole work is divided. Mr Bancroft expresses in the preface his intention, if the first should be successful, to publish the second; and we are happy to learn that this is now in the press.

10.—*A Historical Narrative of the Civil and Military Services of Major General William H. Harrison, and a Vindication of his Character and Conduct as a Statesman, a Citizen, and a Soldier; with a Detail of his Negotiations and Wars with the Indians, until the final Overthrow of the celebrated Chief Tecumseh, and his Brother the Prophet; the whole written and compiled from original and authentic Documents, furnished by many of the most respectable Characters in the United States.* By Moses Dawson. Cincinnati. 1824. 8vo. pp. 464.

In its literary execution this is a clumsy and ill digested book, apparently written and printed in part, before the author had made us his mind at what point, or in what manner, it would be brought to a close. It is overloaded with public documents and private letters, and contains a great deal of diffuse, heavy matter, which should have been abridged, and presented in a more condensed and attractive form. To add to the reader's despair,

there is neither index, table of contents, nor heads of chapters to guide him through the chaos, and lighten his journey on the way. A work of history, embracing a complicated mass and variety of facts, without any means of reference, is little better than a clock without the minute and hour hands, or a dial plate without a gnomon.

It is commonly the object of a writer to have his book read; and to send it out in so repulsive a shape, as to drive every one from its pages, who values his time or his comfort, indicates, to say the least, a singular defect of judgment, and ignorance of the feasible modes of accomplishing a purpose.

But after this censure of the author's negligence, and the unfavorable exhibition of his book-making skill, it gives us pleasure to commend the industry and zeal, with which he has accumulated a series of valuable facts respecting the history of the country northwest of the Ohio river. As General Harrison went into that country nearly thirty years ago, and held from the beginning important public stations, a narrative of the principal events of his life embraces the leading features of the history of the first settlement, and succeeding growth, of the three states north of the Ohio. The early treaties with the Indians, the purchase and cession of their lands from time to time, the frequent wars, surveys and sales of public lands, local political events, and the particulars of the last war in that quarter, are all described with sufficient minuteness, and with a reference to authorities, which leaves no doubt of the author's general accuracy. As he writes professedly to defend General Harrison, however, he occasionally manifests a warmth not entirely consistent with the strict impartiality of a historian. By those who desire to be informed on the above subjects, his book will be valued as a repository of authentic documents, and as containing a summary of facts not to be derived from any other single source.

11.—*Remarks on the projected Revision of the laws of New York, first published in the Atlantic Magazine for April*, 1825. 8vo. pp. 19. New York.

The laws of New York, like those of most other States in the Union, are drawn from numerous and very different sources. Their *substratum*, of course, is the common law of England. To this we must add, in the first place, the provisions growing out of the federal compact, to wit, the constitution, the acts of Congress, and the decisions of the federal courts. Next come the constitu-

tion, legislative acts, and judicial decisions of New York. Lastly, there are undoubtedly in that state, as in other parts of the country, many rules of local origin, arising out of the manners, laws, and exigencies of the early settlers, which are now more or less ascertained by statute, or by adjudications, and which may be styled the common law of the State.

It is easy to perceive, from this plain statement, how complex must be the existing laws, and how far from being that simple and intelligible rule of conduct, which theory requires they should be, if it were possible to attain the object. The evil is enhanced by the facility of legislating amongst us, which introduces so many ill-digested statutes into all the American codes, and the consequence of which is, that revised editions of the statutes are continually becoming necessary from time to time. The pamphlet before us relates to such a revision of the laws of New York. We shall merely state the facts disclosed in it, without entering into any discussion of the several questions, which are briefly considered by the writer.

The statutes of New York have been repeatedly revised at successive periods, the last of which was in 1813. The revisers were authorised to proceed no further than reducing to proper heads all the public laws of a permanent nature, adding marginal notes, omitting obsolete acts, correcting occasionally slight inaccuracies of language, and in a word performing duties purely *editorial*. After the recent changes in the constitution of the State, a new revision of the statutes was deemed necessary, and in November, 1824, an act for that purpose was passed, by which Erastus Root, Benjamin Butler, and James Kent, were appointed Commissioners to prepare a revised edition of the statutes, wherein, by reason of the provisions of the new constitution, or of statutes enacted under it, such alterations were become requisite. For reasons which it is not necessary to enumerate in this place, the ex-chancellor declined accepting the appointment, and John Duer was appointed in his stead.

At the late spring session of the legislature of New York, the subject of the proposed revision of the statutes was again resumed. An act was passed enlarging the authority of the commissioners in the premises, to an extent, which the author of the pamphlet before us deems unsafe and inexpedient. Erastus Root resigned his office, and Henry Wheaton was named to succeed him. The commission now consists of men, in whom the state may repose confidence, and therefore we do not think any attempt at rash innovation is to be feared at their hands. Our design, however, being only to give a succinct account of the facts, so far as they bear upon the judicial history of the country, we stop here,

abstaining from any more extended comments on the subject, and referring our readers to the pamphlet itself, if they wish to form an opinion of the points in controversy.

12.—*American Entomology, or Descriptions of the Insects of North America; illustrated by Colored Figures from Original Drawings executed from Nature.* By THOMAS SAY. Philadelphia Museum. Published by S. A. Mitchell. William Brown, Printer. 1824. 8vo.

For beauty and elegance of execution, this work surpasses any other that has been printed in this country. The letter-press of Wilson's Ornithology, and of the famous edition of the Columbiad, is executed in a more finished style; but in the exquisite delicacy of the drawings and beauty of the engravings, as well as in the marks of taste indicated in the external attractions of the volume, the American Entomology is much superior to either of them. The fanciful and highly emblematical frontispiece was delineated by C. A. Le Sueur; the figures of the insects were drawn from nature by T. R. Peale, and engraved by C. Tiebout. The specimens of their labors here furnished are in the highest degree creditable to these artists. The work, as it has come from their hands, affords a most encouraging testimony of the state of the arts in this country, and as such deserves the patronage not more of the lovers of science, than of all persons who are disposed to advance the progress of liberal pursuits, by rewarding the successful efforts of genius and skill.

Of the scientific merits of the work it does not become us to speak. And, indeed, in the present instance there is happily no occasion for eulogy from us, or from any other quarter, to inspire a perfect confidence in the profound researches and knowledge of the author. No person, who has paid any attention to the advancement of science in this country for the last ten years, can be ignorant of the doings and movements of Mr Say, or of his particular devotedness to the subjects, of which he has treated in this volume. Of Dr Bowditch it has often been said by way of eminence, that we have *one* astronomer in America; it may be said with the same emphasis of Mr Say, that we have *one* entomologist. He has spared no pains in his researches, and his zeal has been equal to his means of knowledge. If we mistake not, he has travelled in various parts of the Middle and Southern States purely for scientific purposes, and with the same design he accompanied Major Long's first expedition to the Rocky Mountains, and his second one to the Northwestern Ter-

ritory. With these advantages, with his ardent love of nature, and his unremitted application to his favorite pursuits, Mr Say has made acquisitions of no ordinary extent in the various departments of natural science, and possesses all the collateral knowledge requisite for illustrating that in which he so eminently excels. He adopts, for the motto of his work, the lines of Stillingfleet,

> 'Each moss,
> Each shell, each crawling insect, holds a rank
> Important in the plan of Him who fram'd
> This scale of beings.'

From the preface it appears, that this volume is the first of a series hereafter to be continued. We hope the author will meet with the full measures of encouragement, which the extent of his labors, and his zeal in the cause of knowledge, so justly deserve. We are not sure that he has decided wisely in confining himself so exclusively to rigid science, and introducing so little that can be interesting to the unskilled; but of this he must be allowed to judge for himself.

QUARTERLY LIST OF NEW PUBLICATIONS.

ARTS, SCIENCES, AND PHILOSOPHY.

The Boston Journal of Philosophy and the Arts, No. X.

Five Hundred Questions, selected from a full Course of Illustrations and Experiments upon Chemistry. Applied to the Useful Arts, given at the Agricultural Seminary at Derby, Connecticut; with a short Statement of the Course of Instruction pursued at that Institution. 12mo. New Haven.

A System of Pyrotechny, comprehending the Theory and Practice, with the Application of Chemistry, designed for Exhibition and for War. In four parts. Containing an Account of the Substances used in Fireworks—the Instruments, Utensils, and Manipulations—Fireworks for Exhibition—and Military Pyrotechny—adapted to the Military and Naval Officer, the Man of Science, and Artificer. By James Cutbush, A. S. U. S. A. 8vo. pp. 600. Price $4,50. Philadelphia.

BIOGRAPHY.

Memoir of the Life of Josiah Quincy, Jun. of Massachusetts: by his son, Josiah Quincy. 8vo. pp. 498. Boston. Cummings, Hilliard, & Co.

COMMERCE AND MANUFACTURES.

A Report of the Secretary of the Treasury, of the Commerce and Navigation of the United States, during the Year ending the 30th of September, 1824. 8vo. pp. 300. Price $2. Washington. Gales & Seaton.

An Essay on the Manufacture of Straw Bonnets, containing an Historical Account of the Introduction of the Manufacture, its Effects upon the Employments, Dress, Food, Health, Morals, Social Intercourse, &c. of the Inhabitants of the several Towns in which it has been carried on; with Moral, Political, and Miscellaneous Remarks. Providence. B. Field & Co.

DRAMA.

Montgomery; or, the Falls of Montmorency. A New National Drama. Written by Henry J. Finn. Boston. Wells & Lilly.

EDUCATION.

Essay on Language, as connected with the Faculties of the Mind, and as applied to Things in Nature and Art. By William S. Cardell. New York. C. Wiley.

Story of Jack Halyard, the Sailor Boy, or the Virtuous Family; designed for American Children in Families and in Schools. By William S. Cardell. Third edition, corrected and enlarged. New York.

Reading Lessons for Primary Schools. 18mo. pp. 126. Boston. Richardson & Lord.

A Complete Key to Smiley's Arithmetic; entitled the New Federal Calculator, or Scholar's Assistant, &c. By T. T. Smiley, Teacher; Author of School Geography, &c. Philadelphia. J. Grigg.

A Polyglot Grammar of the Hebrew, Chaldee, Syriac, Greek, Latin, English, French, Italian, Spanish, and German Languages, reduced to one Common Rule of Syntax, &c. with an extensive Index, intended to simplify the Study of the Languages. By Samuel Barnard. 8vo. pp. 312. New York. Wilder & Campbell.

A Grammar of the Spanish Languages, with Practical Exercises. By M. Josse. Second American edition, revised, improved, and adapted to the English language; by F. Sales, Instructer of French and Spanish at Harvard University, Cambridge. 12mo. pp. 468. Boston. Munroe & Francis.

Mr Sales has bestowed great pains in correcting and improving this edition of the grammar, which he has in a measure made his own, by his highly valuable labors in adapting it to American students. Of this second edition he says, it is 'carefully revised, considerably altered, and improved throughout; particularly in the arrangement of the conjugation of the irregular verbs; in giving the English signification of the table of prepositions published by the Royal Academy; in prefixing an article to every word in the Vocabulary to denote its gender; and in assimilating as far as possible the English phraseology to the Spanish, in the familiar phrases and dialogues.' He has also enlarged the work by the 'addition of interesting extracts from some of the best Spanish writers; specimens of critical, familiar, and commercial letters; mercantile documents; a treatise on Spanish versification, translated from the latest Paris edition of Josse's Grammar; and a copious table of contents; the whole corrected in conformity to the most recent decisions on orthography of the Spanish Academy.'

Three things strike us as particularly to be commended in this edition. 1. The insertion of the English signification against all parts of the verbs, regular and irregular, and every other Spanish word where the progress of the learner will be facilitated. This is important, because the learner acquires a knowledge of the meaning of words, at the same time he is learning the elementary structure of the language. 2. Great care is taken in placing accents over every word that requires it. The general rules are simple, and they are rigidly followed. There is commonly much negligence on this point in Spanish Grammars, greatly to the embarrassment of the student, and vexation of the teacher. 3. The adaptation of English

phraseology as closely as possible to the Spanish idiom, in the Familiar Dialogues, by which the learner is able to come quickly at a knowledge of the principles and peculiarities of the language. Mr Sales's long experience in teaching two foreign languages, and his thorough acquaintance with the English, give him advantages for maturing a work of this sort, which few other persons can be supposed to possess.

Mercantile Penmanship, reduced to a regular System of Chirographic Drawing, the Letters classed according to Similarity and Simplicity, and elementary Words ranged upon the perpendicular Column. By Allison Wrifford. New York. 1824.

GEOLOGY.

Lectures on Geology; being Outlines of the Science, delivered in the New York Atheneum, in the year 1825. By Jer. Van Rensselaer, M. D. Associate, and Lecturer on Geology to the Atheneum. &c. 8vo. pp. 358. New York. E. Bliss & E. White.

HISTORY.

History of Boston. 8vo. Nos. 8 to 11. Price 25 cents per Number. Boston. A. Bowen.

Notes, Geographical and Historical, relating to the town of Brooklyn, in King's County, on Long Island. By Gabriel Furman. 1 Vol. 12mo. Brooklyn. A. Spooner.

A History of the Lexington Battle, 19th of April, 1775. By Elias Phinney. Price 31 cents. Boston. Lincoln & Edmands.

A Particular Account of the Battle of Bunker or Breed's Hill, on the 17th of June, 1775. By a Citizen of Boston. 8vo. pp. 26. Boston. Cummings, Hilliard, & Co.

The History of New England, from 1630 to 1649. By John Winthrop, first Governor of Massachusetts; with Notes by James Savage; with an elegant Engraving of the Author. Vol. I. 8vo. Price $3. Boston.

An Historical Discourse, delivered at West Springfield, Dec. 2, 1824, the Day of the Annual Thanksgiving. By William B. Sprague, Pastor of the First Church in West Springfield. Hartford. Goodwin & Co. 8vo. pp. 91.

So thorough a specimen of historical research we have seldom seen, as is exhibited in this Discourse, and its copious Appendix. The town of Springfield, formerly called *Agawam*, was among the first places settled in the interior of the country.

'It commenced, probably,' says Mr Sprague, 'in 1635, [fifteen years after the landing of the Pilgrims at Plymouth,] but the first permanent settlement was in the spring of 1636. In consequence of a large emigration from England, besids the natural increase of the population, it became necessary that some of the inhabitants of the towns first planted should seek a new residence; and accordingly in May 1635, we find a petition presented to the general court, then in session at Newtown, now Cambridge, from several of the inhabitants of Roxbury, Dorchester, Newtown, and Watertown,

for leave to emigrate to Connecticut river. This petition was granted (May 6) on the express condition, that they should remain within the jurisdiction of Massachusetts; and several persons were appointed to govern them for one year. In consequence of this grant, the petitioners, with their families, braved the perils of the wilderness, and planted themselves in the places, which are now Wethersfield, Hartford, Windsor, and Springfield.'

In pursuing the history down to the present time, Mr Sprague's industry and perseverance, have been unwearied in collecting every important fact bearing on the subject, and no original written document would seem to have escaped his researches.

LAW.

An authentic Report of a Trial before the Supreme Judicial Court of Maine, for the County of Washington, June Term, 1824. Charles Lowell *vs.* John Faxon and Micajah Hawks, Surgeons and Physicians, in an Action of Trespass on the Case, &c. 8vo. pp. 29. Portland.

A Digest of the Cases decided in the Supreme Judicial Court of the Commonwealth of Massachusetts. From March 1816, to Oct. 1823, inclusive. To which is added a digested Index of the names of the Cases in the 18 Vols. of Mass. Reports. By Theron Metcalf. 8vo. Boston.

A Digest of the Laws of Pennsylvania, from the year 1700 to the 30th day of March, 1824, &c. By John Purdon. 1 vol. 8vo. Philadelphia.

Proceedings in the Courts Martial in the Cases of Lts. Weaver and Conner of the United States Navy. 8vo. pp. 84.

The Laws passed at the Second Session of the Eighteenth Congress. 8vo. pp. 120. Washington. Gales & Seaton.

Remarks on the Projected Revision of the Laws of New York. First published in the Atlantic Magazine for April, 1825. 8vo. pp. 19. New York.

Town Officer; or, Laws of Massachusetts relative to the duty of Municipal Officers; together with a Digest of the Decisions of the Supreme Judicial Court upon those subjects. By Isaac Goodwin, Counsellor at Law. 12mo. Worcester. Dorr & Howland.

A Digest of the Probate Laws of Massachusetts, relative to the Power and Duty of Executors, Administrators, Guardians, Heirs, Legatees, and Creditors. To which is subjoined an Appendix of Forms. By Joshua Prescott, Esq. Counsellor at Law. Boston. Richardson & Lord.

Review of a Pamphlet, entitled "A Report of the Evidence in the Case, John Atkins, Appellant, vs. Calvin Sanger & al. Executors, relative to the Will of the late Mrs Badger, of Natick." &c. By Thomas Noyes. 8vo. pp. 71. Dedham, Mass.

The Virginia Justice, comprising the Office and Authority of a

Justice of the Peace in the Commonwealth of Virginia, &c. To which is added, an Appendix, containing all the most approved Forms in Conveyancing. Also, the Duties of a Justice of the Peace, arising under the Laws of the United States. By William Waller Hening, Counsellor at Law. The Fourth Edition, revised, corrected, and greatly enlarged. Richmond, Va.

Trial of Amos Furnald for the Murder of Alfred Furnald. Before the Superior Court of Judicature, holden at Dover, within and for the County of Strafford, and State of New Hampshire, on the first Tuesday of February, A. D. 1825. Reported by Richard Ela. 8vo. pp. 127. Concord, N. H. J. B. Moore.

The Town Officer's Guide, containing a Compilation of the General Laws of Massachusetts, relating to the whole power and Duty of Towns, Districts, and Parishes, with their several Officers, &c. By John Bacon, Esq. 12mo. pp. 396. Haverhill, Mass.

MATHEMATICS.

The Mathematical Diary. No. 2. For April, 1825. Conducted by Robert Adrain, LL. D. F. A. P. S. F. A. A. S. &c. and Professor of Mathematics in Columbia College. New York. James Ryan.

MEDICINE.

An Address, delivered at the Annual Commencement of the Berkshire Medical Institution, Pittsfield, December 23, 1824. By Rufus William Bailey, A. M. 8vo. pp. 24. Pittsfield, Mass.

The Carolina Journal of Medicine, Science, and Agriculture, conducted by Thomas Y. Simons, M. D. and William Michel, M. D. Vol. I. No. 1. For January, 1825.

Memoir on the Discovery of a Specific Medicine for the Cure and Prevention of the Yellow Fever, Plague, Malignant, and Pestilential Fevers, with Documents, authenticated by the Results of successful Experiments performed by Order of the Government and Authorities of the City of Havana. By John J. Giraud, M. D. of Baltimore. W. Woody. Baltimore. 8vo. pp. 23.

The nature of the *Specific Medicine* is not explained; it is yet a secret with the discoverer. His pamphlet is chiefly taken up with a large number of certificates from physicians and other persons in Havana, bearing testimony to the virtues of the medicine, as it has been there administered. In a memorial presented to Congress, Dr Giraud has expressed his intention of making known his secret for the benefit of mankind.

MILITARY.

United States Military Tactics. New Edition, with the latest Improvements. Published by order of the War Department. 2 Vols. 8vo.

MINERALOGY.

A Catalogue of American Minerals, with their Localities; including all which are known to exist in the United States and British Provinces, and having the Towns, Counties, and Districts in each State and Province arranged alphabetically. With an Appendix, containing Additional Localities and a Tabular View. By Samuel Robinson, M. D. Member of the American Geological Society. 8vo. pp. 320. Boston. Cummings, Hilliard, & Co.

MISCELLANEOUS.

The Vaccine Inquirer, or Miscellaneous Collections relative to Vaccination. By Gideon B. Smith No. VI. Baltimore. J. D. Toy.

In addition to other particulars relative to the general subject of vaccination, this number of the Inquirer contains Dr Jenner's last circular to the medical Profession on *Varioloids*; also original letters from Dr Smith of Baltimore to Dr Jenner. There is, moreover, an extract from a report made at Buenos Ayres, addressed to the Vaccine Society at Paris, translated from the Spanish. The Vaccine Inquirer is a periodical work, designed to send out to the public such articles, both selected and original, as will communicate the most interesting and valuable facts respecting the theory and practice of vaccination.

The Journal of Madam Knight and Rev. Mr Buckingham. From the Original Manuscripts, written in 1704 and 1710. New York. Wilder & Campbell. 12mo. pp. 129.

An Exposition of the Facts and Circumstances which justified the Expedition to Foxardo, and the Consequences thereof, together with the proceedings of the Court of Inquiry thereon, held by Order of the Hon. Secretary of the Navy. By D. Porter. 8vo. pp. 107. Washington. Davis & Force.

An Oration in Honor of General Lafayette, delivered in his Presence, at Nashville, May 4, 1825, at the Request of the Grand Lodge of Tennessee. By Wm. Gibbs Hunt. Nashville. J. Norvell.

An Address delivered at Watertown, March 4th, 1825, at a Dinner in Honor of the Inauguration of President John Quincy Adams. By David Lee Child. 8vo. pp. 10. Price 25 cents. Boston. Cummings, Hilliard, & Co.

Orangeism Exposed, with a Refutation of the Charges, &c. brought against the Irish Nation, by Lawyer David Graham, of New York, in his Defence of the Orangemen, tried in that City, on the 13th and 14th days of September, 1824, for an Assault and Battery on a poor Irishman, on the 12th day of July, 1824. By an Unbiassed Irishman.

An Address to the Utica Lyceum, delivered February 17, 1825. By A. B. Johnson, prefatory to his Course of Lectures on the Philosophy of Human Knowledge. 8vo. pp. 16. Utica.

An Address delivered in Nashville, January 12, 1825, at the Inauguration of the President of Cumberland College. By Philip

Lindsley, D. D. President of the College. 8vo. pp. 48. Nashville.

The Grecian Wreath of Victory. 18mo. pp. 119. Price 25 cents. 1824 New York.

Speech delivered before the Overseers of Harvard College, February 3, 1825, in Behalf of the Resident Instructers of the College. With an Introduction. By Andrews Norton. 8vo. pp. 60. Boston. Cummings, Hilliard, & Co.

First Annual Report of the Proceedings of the Franklin Institute of the State of Pennsylvania, for the Promotion of the Mechanic Arts. To which are prefixed the Charter, Constitution, and By-Laws of the Institute, with a List of the Members, &c. 8vo. pp. 107. Philadelphia.

New Edition of Spring's Essays. New York. F. Lockwood.

An Address, delivered March 8th, 1825, in the Hall of the Medical Faculty of Jefferson College, located in Philadelphia. By B. Rush Rhees, M. D. Professor of Materia Medica in Jefferson College. Philadelphia.

Lafayette, or Disinterested Benevolence; a Moral Tale for Youth. 18mo. pp. 36. Boston.

Private Correspondence of Lord Byron, including his Letters to his Mother, written from Portugal, Spain, Greece, and other Parts of the Mediterranean. Published from the Original, with Notes and Observations. By R. C Dallas, Esq. (This is the work for which an Injunction was granted by the Lord Chancellor, preventing its publication in England.) Philadelphia. Carey & Lea.

An Examination of the 'Remarks' on 'Considerations suggested by the establishment of a Second College in Connecticut.' 8vo. pp. 26. Hartford. Peter B. Gleason & Co.

Auxiliar Vocabulario de Bolsillo, Espanol e Ingles. Par J. Jose L. Barry. 18mo. New York. J. Desnoues.

The Virginia Housewife. A Second Edition, with Amendments and Additions. 12mo.

Nature Displayed in her Mode of Teaching the French Language, &c. By N. G. Dufief. Sixth Edition. 2 vols. 8vo. Price $7. New York. Collins & Co. and others.

The African Repository and Colonial Journal. Vol. I. Nos. 1 and 2. Price $2 per annum. Washington. Way & Gideon.

The Eighth Annual Report of the American Society for Colonising the Free People of Colour in the United States, with an Appendix. 8vo. pp. 71. Washington, D. C.

An Oration delivered at Concord, April the Nineteenth, 1825, By Edward Everett. 8vo. Boston. Cummings, Hilliard & Co.

A Dissertation on the Nature, Obligations, and Form of a Civil Oath. By William Craig Brownlee, D. D 8vo. pp. 44.

An Address to the Members of the Bar of Suffolk, Mass. at their Stated Meeting on the first Tuesday of March, 1824. By William Sullivan. 8vo. pp. 63. Boston. Cummings, Hilliard & Co.

Address delivered before the Alumni of Columbia College, on the 4th of May, 1825, in the Chapel of the College. By Clement C. Moore, A. M. 8vo. pp. 37. New York. E. Bliss & E. White.

This address contains a brief history of Columbia College from its foundation down to the present time. The Charter was granted and the institution organised in the year 1754. It was then known by the name of *King's College*, and Dr Samuel Johnson was appointed the first president. He began his labors a few months before the Charter was granted, with a class of ten students in the Vestry Room of Trinity Church. Dr Johnson resigned the office of president in 1763, and Dr Cooper, a graduate of Oxford in England, and at that time professor in the College, was chosen to supply his place The Medical School connected with the College was established in 1767. On the breaking out of the war, Dr Cooper returned to England, and the exercises of the students were interrupted, although not wholly discontinued, during the progress of the revolution. As no president was appointed in that period, the professors presided in turn. In 1787, Dr William S. Johnson, son of the first president, was elected president of the College, and from that time the institution continued to increase in prosperity and importance. Dr Johnson resigned the office of president in the year 1800, and the Rev. Dr Wharton was chosen to succeed him; but he continued in the office only seven months. Bishop Moore was immediately elected president, who had discharged the duties by a temporary appointment twentysix years before, when Dr Cooper left the country. He resigned in 1811, and Dr William Harris was chosen in his place, who still holds the office. A new charter was obtained from the Legislature of the state in 1810, and in 1813 the Medical School was discontinued, in consequence of the establishment of the College of Physicians and Surgeons in New York.

Mr Moore's address is written in a perspicuous style, abounds in facts, and is a valuable document among the materials for a literary history of the country.

New York Review, and Athenæum Magazine. No. I. For June, 1825.

A Review of the Efforts and Progress of Nations, during the last Twentyfive Years. By J. C. L. De Sismondi. Translated from the French, by Peter S. Duponceau. 8vo. pp. 36. Philadelphia. H. Hall.

NOVELS AND ROMANCES.

Goslington Shadow; a Romance of the 19th Century. By Mungo Coultershoggle, Esq. 2 Vols. 12mo. New York. J. & J. Harper.

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Stranger of the Valley; or, Louisa and and Adelaide; an American Tale. By a Lady 2 Vols. 12mo. New York. Collins & Hannay, and others.

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POETRY.

Hadad, a Dramatick Poem. By James A. Hillhouse, Author of 'Percey's Masque,' and 'The Judgment.' 8vo. New York.

Mengwe; a Tale of the Frontier. A Poem. 18mo. pp. 76. Princeton. N. J.

This is evidently the work of some very young man—we suppose an undergraduate at Princeton College—probably of the Sophomore Class. He will undoubtedly write better in his Senior year, and we should advise him not to publish till he can write A. M. to his name. By that time he will have learned a little more of the necessary mechanical art, without which a poem is too lame to travel up the steep of fame; it certainly never can go on feet like these.

'But makes musick to the lone ear.'

'Heaves forth from darkness, and loud and more loud.'

'Yet I will go—another hour sees.'

We fancy *hour* is a word of one syllable. We think too that *shore* is a poor rhyme to *war*, though a very favorite one with this writer. And we are not quite certain that this couplet rhymes at all:

'Degen'rate spirits, brushed by coward awe,
'In one black tide, along the future pour.'

A great difficulty occurs in reading this little book, from the want of distinction between the dash and the hyphen, and from the novel and ingenious mode of marking the place of the cæsura with a comma. We cannot regard either of these innovations as an improvement, and would recommend an adherence to the plain old fashioned way.

We do not mean, however, to say that there is nothing commendable in these pages. Quite the contrary. There are indications of poetic talent, which only want ripening and disciplining, to produce something worth reading. There are passages and expressions, which are striking and happy, and give promise of a better work by and by, which we shall be happy, twelve years hence to see and praise. But we do beseech our unfledged bards to spare themselves and us the mortification of these first crude attempts at poetry before they understand the laws and structure of verse, or have attained any facility and skill in practice. It is as absurd in such to come forward for the entertainment of the public, as it would be for a boarding-school miss, at the end of her first quarter on the piano, to give a concert at the Pantheon hall.

Occasional Pieces of Poetry. By John G. Brainard. 12mo. pp. 111. Price 75 cents. New York. E. Bliss & E. White.

Hymns for Children, selected and altered. By the Author of 'Conversations on Common Things.' 24mo. pp. 143. Price 25 cents. Boston. Munroe & Francis.

The Minstrel's Cabinet; a new Collection of the most popular Sentimental, Comic, Patriotic, and Moral Songs. In 2 Vols. 18mo. New York. D. Mallory.

Poems. By John Turvill Adams. Price 50 cents. 12mo. pp. 47. New Haven. A. H. Maltby & Co.

What has been said above of 'Mengwe' will apply, without much qualification, to this volume. The author has published too soon by nine years at least. He mistakes in thinking that lines, arranged in a certain measure, divided into stanzas, and rhyming at the ends, constitute poetry. The only pieces, which seem to us tolerable, are 'Spring,' and the 'Mermaiden's Song,' and even this latter ends with the following lines.

'And we dance and we sing
With such pleasure and mirth,
As you never saw,
O unfortunate earth.'

In his longest poem, entitled 'Our Country,' he writes thus

'Chained to the stake, or stretched upon the wheel,
The dying martyr shed his innocent blood;
And Superstition smiled and shook her steel,
And lapped the ebbing life drops for her food;
Nor was appeased, but fired with rage accurst,
More loudly called for blood to quench her hellish thirst.'

Take another example, in which is described the joy of a youth, at his success in hooking a trout, after having tried in vain to find a way by which 'to catch him.'

'At last, just when he is despairing
Of ever getting what he wished for,
The tempting worm the victim swallows,
The boy has what he so much wished for.

'With sudden jerk, upon the grass
He throws the spoil, his little treasure,
And greedily takes hold of him,
Delighted, smiling beyond measure.'

The Pleasures of Friendship, and other Poems. By Dr James M'Henry. 12mo. Philadelphia. A. R. Poole.

Triumphs of Liberty; the Prize Ode recited by Mr Finn, at the Boston Theatre, on the Anniversary of Washington's Birth Day, February 22, 1825.

POLITICS.

Letters from Robert Wickliffe, to his Constituents. 8vo. pp. 19. Frankfort, Kentucky.

Remarks upon a Pamphlet, published at Bath, Me. relating to alleged Infractions of the Laws, during the Embargo, Non-Intercourse, and War. By William King and Mark L. Hill. Bath, Me.

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A Discourse on Christian Liberty, delivered before the First Congregational Society in Scituate, on the Lord's Day, March 6, 1825. By Samuel Dean, Pastor of the Second Church in Scituate. Published at the Desire of the Hearers. Cambridge. Hilliard & Metcalf.

The Excellence and Influence of the Female Character; a Sermon, preached in the Presbyterian Church in Murray Street, at the request of the New York Female Missionary Society. By Gardiner Spring. 8vo. pp. 32. New York. 1825.

A Sermon delivered at the Old South Church in Boston, before the Auxiliary Foreign Mission Society of Boston and the Vicinity, at their Annual Meeting, January 3, 1825. By Warren Fay, Pastor of the First Church in Charlestown, Mass. Boston. S. T. Armstrong.

Biblical Repertory, a Collection of Tracts in Biblical Literature. By Charles Hodge. Vol. I. No. 2, for April, 1815. Princeton, N. J.

An Interpretation of the Rev. Ezra Stiles Ely's Dream, or a few cursory Remarks upon his Retrospective Theology, or the Opinions of the World of Spirits; published for the benefit of Dreamers. Philadelphia.

A Vindication of the Doctrine contained in a Sermon, entitled the Universality of the Atonement, with its undeniable Consequences, simply and plainly stated, in a consistent manner, agreeably to Scripture and Reason. By Joshua Randall. 12mo. pp. 32 Haverhill.

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A Brief Outline of the Evidences of the Christian Religion. By Archibald Alexander, D. D. Professor of Didactic Theology in the Theological Seminary, Princeton, N. J. Price 37 cents. Princeton N. J.

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The Duties of an American Citizen. Two Sermons, delivered in the First Baptist Meeting House in Boston, April 7th, 1825, the Day of Public Fast. By Francis Wayland, Jun. 8vo. pp. 52. Boston. James Loring.

Discourses on the Offices and Character of Jesus Christ. By Henry Ware, Jun. Minister of the Second Church in Boston. 12mo. pp. 217. Boston.

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The Christian Examiner and Theological Review, No. VIII. for March and April, Boston. Cummings, Hilliard, & Co.

The Christian Spectator; conducted by an Association of Gentlemen. Vol. VII. No. 5. for May, 1825.

Discussion of Universalism or, a Defence of Orthodoxy against the Heresy of Universalism, as advocated by Mr Abner Kneeland, in the Debate in the Universalist Church, Lombard-street, July, 1824, and in his various Publications, as also in those of Mr Ballou and others. By W. L. McCalla. Philadelphia.

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THE

NORTH AMERICAN REVIEW.

VOL. XXI.

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BOSTON,
PUBLISHED BY CUMMINGS, HILLIARD AND COMPANY,
FOR THE PROPRIETOR, AT THE OFFICE OF THE NORTH AMERICAN REVIEW,
134 WASHINGTON STREET.
1825.

Press of the North American Review.
I. R. BUTTS, PRINTER.

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2. *Message of the President of the United States, transmitting the Correspondence relating to the Claims of the Citizens of the United States upon the Government of the Netherlands.* February, 1825.

IN the political system of the modern world, so long as it contained no powerful state out of Europe, war was the great *third auditor*, by which long standing claims between nations were liquidated. As no power of importance could finally remain neutral, in a time of general hostility, there was little opportunity for claims to be long prosecuted and ultimately settled, in the way of negotiation, and by the payment of indemnities. And whenever claims were long protracted, or late revived, it was not so much from the dilatory nature of negotiation, as from reasons of state. One of the first important consequences, which resulted from the rise, on this side of the Atlantic, of a powerful nation, able from its natural position to keep out of the European vortex, exposed as a neutral to depredations from the belligerents, and yet not in the way of having all accounts wiped out, by a war, at the end of each generation,—has been the accumulation of claims

against the majority of the powers of Europe, with which we have in various ways come in contact or collision. With England alone the great liquidator, war, has closed our accounts; but on almost all the other powers, on France, Spain, Holland, Naples, Denmark, we have claims for a vast amount of property wrested from our merchants, sometimes under illegal decrees, often by direct and open violence. Till the late Florida treaty had liquidated our old accounts with Spain, the claim on that power was the most considerable. But even since the ratification of that treaty, new claims have grown out of new acts of violence; and another account has been opened between us and that power, which does not learn moderation from misfortune, nor wisdom from experience.

The subject of these claims is one, as we conceive, of very considerable importance to the national prosperity, and of great moment to the national character. We probably speak quite within bounds, when we estimate their fair amount at twenty millions of dollars. This large sum is so much withheld from the national capital; so much lost to all those important pursuits, commercial, manufacturing, agricultural, in which, if it could be recovered, it would be invested. It is true, if now paid, it would be paid almost exclusively to merchants and underwriters; but it need not be said, that it would instantly be invested by them in some of the great branches of industry; and would be so much added to the productive capital of a country, which wants now nothing so much as capital. It cannot, therefore, be regarded as a matter of little importance to the welfare of the nation, that an amount of capital, sufficient to erect twenty or thirty cotton factories of the very first order, is wholly lost to us by the injustice of foreign powers.

To our national honor the case is still more important. Most of the claims are of a nature, that have been allowed and paid to stronger claimants. Ours are withheld, not because they are not just, but because the debtor powers think we shall not order reprisals, nor go to war to recover them. When the Bourbons were restored, among the claims brought forward by Englishmen and allowed by France, there were claims for losses by Assignats, in the heat of the revolution, and when France was governed by the executioners of Louis the Sixteenth. America cannot get payment for the losses incurred by the sequestration of her vessels, whose cargoes

were sold, and the price deposited in the public treasury, under a government, with which every other government on earth, not excepting England, entered into negotiations, as the lawful government of the country ; and we are refused under the pretence, that Napoleon was a usurper. Spain, by her General Morales, lays the Spanish main for twelve hundred miles under a blockade, enforced by a sloop of war, and proceeds to capture neutral vessels pursuing a lawful commerce in those seas. Great Britain instantly announces, that she shall order reprisals, if indemnity be not promptly had ; and indemnity is stipulated. America, suffering in the same way by the same acts, must not threaten reprisals ; for fear Spain will take us at our word, and turn loose all the adventurers of Europe, in the shape of privateers, on our commerce. Marshal Davoust makes private plunder of the bank of Hamburgh, during the military occupation of that city, then a part of the French empire. The free city of Hamburgh is a wise city ; her senate have formally joined the Holy Alliance ; and the plundered treasures of the bank, which probably never travelled beyond the Prince of Eckmuhl's private purse, must be refunded by Louis the Eighteenth. The king of Naples (Murat) invites our ships to his capital, confiscates them, retains the vessels in his public service ; and when our merchants ask indemnity, the present King of Naples, at the very moment when these vessels are still in his own possession, and bearing the flag of the two Sicilies, tells them that Murat was a usurper, that the confiscation was an act of his personal injustice, and went to furnish the means of his profusion, and that the legitimate King of Naples knows nothing of the deed. Now it does appear to us, that if national honor means anything, it is concerned to resist such a contrast as this, between the manner in which our claims and the less urgent ones of other states are treated. We have accordingly thought it our duty to call the attention of the public, in this way, to the subject, and we propose briefly to run over the list of our demands on the principal continental powers, against whom our just right to indemnity still remains to be effectually enforced.

We shall begin with Naples. In 1809, Murat was in possession of the throne of Naples. He held it by the same right, by which every reigning family in Europe, either in its

present or some former head, holds its throne, the right of the strongest. But he held it also with the acquiescence of the people, and the consent of foreign states. He exchanged the usual diplomatic courtesies with every power but England; and England herself, by an order in council of the 26th of April, 1809, modifying the blockade system of 1807, had excepted the Neapolitan territories with other parts of Italy, from the operation of that system, that neutrals might no longer be prevented from trading with them. We would also add, that when, after the wane of Napoleon's fortunes, Murat showed a willingness to desert his master, both Austria and England entered into negotiations with him, as the lawful sovereign of Naples, and promised to recognise him by treaty as such.* On the 1st of July, 1809, the minister for foreign affairs of Naples addressed to Mr Degen, our consul there, official invitation to all American vessels, having proper papers and certificates of origin, to repair to the Neapolitan ports. This was accordingly done. The vessels were, nevertheless, sequestered under the Berlin and Milan decrees; their cargoes sold for the benefit of the government; and some of the vessels themselves, happening to be finely modelled and well constructed ships, were not only taken into the public service, but remained in that service, and were in it, at the time that the restored legitimate king was washing his hands of all participation of the plunder of the usurper Murat. This last astonishing fact is asserted by Mr Pinkney, in his correspondence with the Marquis di Circello, as one of which he had received information; and the Marquis, not having denied it, amidst all the evasions, with which he endeavors to escape from the claim, must be considered as admitting it to be true.

The property thus seized and confiscated, during the years 1809—1812, has been variously estimated at several millions of dollars. On the restoration of tranquillity in Europe, the American government, perceiving that indemnity was the order of the day, and that the victorious and allied sovereigns were rigorously enforcing their claims for compensation, even for losses, which they had suffered under the

* See the letter of the Duke of Campochiaro and Prince Cariati to Lord Castlereagh, dated February 11, 1815.

right of conquest, determined to send an honorable mission to Naples, to ask restoration of the property of our merchants, and indemnity for American ships still in the employ of the Neapolitan government. Mr Pinkney of Baltimore was selected as the special minister for this errand; being at the same time appointed our envoy to the court of St Petersburgh. Mr Pinkney arrived at Naples, in the Washington ship of the line, in the month of July, 1816. On the 27th of July, he informed the Marquis di Circello, by note, of his arrival, and character; and the Marquis appointed the 31st for Mr Pinkney's first interview with himself. At this interview with the Marquis, who, though several years the Neapolitan minister at London, could, to Mr Pinkney's surprise, neither speak nor understand a word of English, the conversation was in French; in which language, says Mr Pinkney with some *naïveté*, 'amidst a good deal of *well managed* discourse on his part, which rather related to *me*, than my mission, he made several observations, which had a bearing upon my principal errand.' He spoke of the low state of their treasury, of the rapacity of Mons. Murat, (as he called him) &c. From the 31st of July till the 11th of August, nothing farther was done. On the last named day, Mr Pinkney again visited the Marquis di Circello, when, says Mr Pinkney, 'I adverted to the *principal object of my mission*, and intimated that I should very soon send him a note upon it. To my surprise, he professed *not to understand to what I alluded*, as the principal object of my mission; but when I mentioned the spoliations by Murat, he seemed suddenly to remember, that I had at least talked to him of them before.' At this interview Mr Pinkney announced the design of presenting a written note on the subject, and was informed by the Marquis, that this course would be acceptable to the Neapolitan government. At the expiration of seventeen days, August 28th, this note was presented, containing an elaborate argument in favor of the claim.

After waiting one month, without receiving any reply, Mr Pinkney, on the 27th of September, wrote a private note to the Marquis di Circello pressing for an answer to his memorial, on the ground that he was obliged to proceed to Russia, and the season was advancing. In consequence of this private note, Mr Pinkney had an interview with the Marquis

two days after, in which the Marquis told him that an answer had necessarily been delayed, in order to collect the papers relative to the confiscations, and ascertain the amount of the claims; and that this was obviously not an affair of a few weeks. Mr Pinkney then told him, that he should be obliged to leave Naples without the answer, as he was to start in a week for Russia. To this intimation, says Mr Pinkney in his letter to the Secretary of State, the Marquis 'replied with his characteristic good breeding, that they should be extremely sorry to lose me, and that they had hoped to have me with them for some time, but that if my duty elsewhere called me away, he would undertake to send the answer to my note, the moment it could be given, wherever I would indicate.' This course Mr Pinkney objected to, proposing instead, that the answer should be sent 'to whom and to where the government of the United States should think fit.' To this the Marquis rejoined, 'that he should have no objection to any course, which I preferred, but that he thought it would be best, (as being more respectful to me,) that he should undertake to send the answer as I should prescribe, especially as this course essentially included the other. It would have been impossible for me,' adds Mr Pinkney, 'to dispute an opinion referred to so civil a motive, even if the matter had been worth disputing.' In the course of the interview, Mr Pinkney requested the Marquis to throw the substance of what had just passed between them into the form of a note, which the Marquis engaged to do. The evening of the same day, Mr Pinkney received from the Marquis a note, *antedated* by two days, and in the form of a reply to Mr Pinkney's private letter before mentioned, *saying nothing of their late interview*,—circumstances which appear to have perplexed Mr Pinkney; who, in the conduct of this negotiation, if we may without disrespect venture on the intimation, appears to us in the light of a lion caught in the toils of a subtle diplomacy. At the close of his note, the Marquis renews the hint, 'that he will make it his duty to forward his official reply, wherever Mr Pinkney may indicate.'

To this note, Mr Pinkney replied the next day, September 30, and in answer to this hint, he observes, 'that upon this point, as well as upon all such ulterior steps as his mission and the subject of it may be calculated to produce, he will

think it his duty to refer himself to his government.' On the 3d of October Mr Pinkney had his audience of leave, and immediately departed for Petersburgh. We now ask the attention of our readers, who, without being Hotspurs, or disposed to run a muck at every windmill of an indignity, do yet feel a reasonable tenderness for the public honor, to the first sentence of the first official letter of Mr Pinkney after his arrival at St Petersburgh; 'notwithstanding the explicitness of my answer of the 30th of September, to the proposal contained in the note of the Marquis di Circello of the 27th of the same month, *I had scarcely quitted Naples*, when he sent after me his reply to my note of the 24th of August. The obstacles, which, while I was present, threatened to retard that reply for many a week, and even for months, disappeared, with a marvellous rapidity, after I had departed; *for the reply passed me on the road to St Petersburgh, and arrived there long before me.*'

This reply was, it seems, instantly despatched from Naples to the Duke of Serra Capriola, Neapolitan minister at St Petersburgh, whose duty it was to be, to force it upon Mr Pinkney. 'He manifested,' says Mr Pinkney 'immediately upon my arrival here, a very anxious desire, that I should receive it. He even *entreated* me to do so, with such earnestness, as it was not easy to resist. I refused, however, to have anything to do with his packet, &c.' But the Duke at St Petersburgh was as wily as the Marquis at Naples; and he prevailed upon Mr Pinkney to receive the packet, for the purpose of transmitting it to Washington. This Mr Pinkney agreed to do, because 'he had no difficulty in consenting to forward to the Secretary of State of the United States, anything, which by order of your court, you may think fit to address to him.' This official reply to Mr Pinkney's Memorial bears date October 15th, only eleven days after Mr Pinkney left Naples, supposing him to have departed the very day after his audience of leave. A copy of it was instantly forwarded to the Count Castelcicala, Neapolitan minister at Paris, to be communicated to Mr Gallatin. Mr Gallatin knew perfectly well the kind of characters with whom he was dealing, and in his letter to the American government, enclosing the copy of the document, observes, with great justice, 'that it may be presumed that the Neapolitan government delayed that

note, in order to prevent the possibility of a reply; and that their intention in communicating it to me was to hasten its transmission to you.' On the 30th of January, 1818, the House of Representatives passed a resolution calling on the President for information on the subject, in consequence of which the correspondence of Mr Pinkney was communicated, from which the foregoing history of the negotiation has been drawn.*

There is one circumstance, not of a nature to be officially communicated by Mr Pinkney to our government, nor even to be certainly proved, but which has every appearance of truth. The arrival of the Washington, seventyfour, with an American minister to demand indemnity for the losses suffered by American citizens, under the late government, excited great alarm at Naples. The Neapolitan government well knew, that indemnity of this kind was not only required by the law of nations, but had been enforced in the case of the allies themselves toward France. The Neapolitan government farther felt, that is was at any time in the power of the United States to order a force into the Mediterranean, abundantly competent to compel the payment of the indemnity. Under these circumstances it was well known to those, who had the means of personal observation, that a panic seized the Court of Naples on the appearance of Mr Pinkney. This fact is alluded to, as far as it could be properly done, in the correspondence of Mr Pinkney with our government. Couriers, it was said, were instantly despatched by the Neapolitan government to Vienna and to St Petersburgh, to know whether the Emperors of Austria and Russia would back the Neapolitan government, in refusing to pay the American demand. Of this fact there is, from the nature of the case, no evidence before the public, but we happen to know, that immediately after Mr Pinkney's appearance at Naples, paragraphs appeared in the government papers at Vienna and St Petersburgh, announcing that his errand would meet with no success. It need not be said, that no intimation of that kind could appear in those papers, but by order of the governments. Meantime, however, delay attended the despatch of couriers to Naples and St Petersburgh; hence the extraordinary delay in granting Mr Pinkney

* State Papers, Vol. xi 487.

an audience. And as it was, moreover, at first uncertain how far the imperial courts would support that of the two Sicilies, and it was therefore desirable to ascertain how moderate the views of the United States were, paragraphs were inserted in various continental papers, intimating that it was reported, that the American government, being in want of a naval station and depôt in the Mediterranean, would accept of the island of Lampedosa as a full indemnity.* But it was in due season discovered, both that the imperial courts would maintain Naples in the refusal, and that Mr Pinkney was not instructed to push the claim to any definitive issue. The only remaining object, therefore, of the Neapolitan court was, to save appearances in the argument; and to keep out of a discussion, in which it foresaw it would be worsted. Mr Pinkney was accordingly amused, till the season became so late as to make it necessary for him to depart; Count Mocenigo, the Russian minister at Naples, was set upon him, to depict the horrors of a winter journey to the north; the Marquis di Circello told Mr Pinkney that, even if he should prolong his stay a week or two beyond the time he had announced for his departure, there was no probability that the answer to his memorial would be ready, and that it would take weeks, perhaps months, to make the researches necessary to prepare it. Mr Pinkney was therefore bowed out of Naples; and long before he could reach Petersburgh, an answer, dated only eleven days after he left Naples, had passed him and reached the Russian capital. We will only

* We insert a specimen of these paragraphs, from a Naples paper of September 7, which could not have appeared but by order of the government.

'Mr Pinkney has had several conferences with the foreign ministers. The negotiations have assumed a character of moderation, which would soon bring them to an issue, if the English were not aggrieved by the arrangements. The Americans demand the island of Lampedosa. It is five leagues in circumference and two long; it is abundant in fruits and well wooded; it has a sure anchorage for a small fleet. But even suppose our court should cede it, it is to be considered that this isle is only twentyfive leagues from Malta, and that the English will not probably choose to have the Americans, as neighbours, in the Mediterranean.'

As a naval station and depôt are seriously needed by us in the Mediterranean, the want of them having more than once exposed our flag to indignities, and as we shall probably get nothing else from Naples, and might unquestionably get Lampedosa, by asking for it, the subject is worth consideration. The island is represented as fertile and the port good. The island is uninhabited, probably in consequence of danger from the near Barbary coast. Under our government this danger would cease.

mention one thing more under this head; though Mr Pinkney refused to open this packet as addressed to himself, yet the substance of its contents was published in the newspapers at St Petersburgh and Vienna, in such a manner, as to lead Mr Pinkney to affirm, in his correspondence with our government, that the Sicilian government, or its minister at Vienna or St Petersburgh, had dictated the publication.

It may seem scarcely worth while to examine the arguments, contained in the answer of the Neapolitan government, considering the circumstances under which it was got up; and as we shall have occasion, when considering the Dutch claims, which have been argued in extenso, to give a sufficient view of a precisely similar controversy. We will merely observe, that the reply of the Neapolitan minister rests the refusal of his court to grant the American claims on these grounds; 1st, that Murat was a usurper, and that the legitimate sovereign was at war with him, and consequently in no degree bound to acquit his obligations; 2dly, that these confiscations were not even the acts of the government of Murat, but were forced upon him, by the direct and violent interference of Napoleon; 3dly, that the proceeds of the sales of the confiscated property went, not to the public treasury, but to the private chest of Murat, to furnish the means of his profusion and extravagance. What is necessary to be said, in reply to these arguments, will find a more convenient place in another part of our remarks. It may be proper, in conclusion of this portion of our subject to say, that it is understood that the government of the United States has lately revived the negotiation, and that Mr J. J. Appleton has been despatched to Naples, as a special agent for that purpose.

We now proceed to consider the Dutch claim. In the years 1809 and 1810, several American vessels arriving in the ports of the kingdom of Holland, some of them even driven in by stress of weather, were sequestered, their cargoes placed in the public stores, and afterwards, by virtue of the treaty of March, 1810, between Louis king of Holland and Napoleon, transferred to the Emperor of the French. On the 9th of May, 1815, Mr Eustis, being despatched as American minister to Holland, was instructed by our government to claim indemnity for these confiscations. This was accordingly done by Mr Eustis, in a letter of the date of Aug. 22d,

1815. In this short letter Mr Eustis entered into no argument, but simply founded his claim on the principle, that 'nations are responsible for the acts of their rulers, and that changes of government cannot diminish the force of obligations and contracts.' The Baron de Nagell, after a delay of two months, replied in a letter equally short, which, in the version laid before Congress last winter, is so badly translated, as to be in several sentences altogether unintelligible, without a mental recurrence by conjecture to the French original. In this reply the Baron de Nagell, refusing of course to acknowledge the claim, grounds his refusal on two considerations; 1st, that the seizures were not made by the Dutch government at all, but by Napoleon, and that if there be any claim it is against his successor, the King of France; 2dly, the seizures, if made by Louis, were made by a usurper, and that no claim for indemnity can hold against his legitimate successor. On the 29th of the month, Mr Eustis replied to this letter, urging that, whatever the influence or motives under which the government of Holland acted, it was nevertheless certain, that 'the seizure and the confiscation were the act and deed of the government of Holland.' To this renewed application, it does not appear that the Dutch minister made any reply.

In the spring of 1816, our government, considering again the liberal measure, with which indemnity was claimed and received by the powers of Europe from the French government, instructed Mr Eustis to revive the claim on that of the Low Countries. In compliance with these orders, Mr Eustis addressed a note on the 4th of July, 1816, to the Baron de Nagell, in which he renewed the claim for indemnity, on the ground that the confiscations were made by the government *de facto*, which must be regarded by foreign nations, as the lawful government of the country. In this letter, two cases were selected as prominent by Mr Eustis, namely, the Bacchus, which being ordered off by the Dutch government in 1809, was wrecked in getting out, her cargo saved, sequestered, and finally ceded to the French; and the Baltimore, which, after having received a Dutch government protection and license to enter, was sequestered, and the part of the cargo consisting of colonial produce, (being the chief part,) was ceded to France in 1810.

In about six weeks an answer was returned by the Baron de Nagell, in which he denies the position taken by Mr Eustis, that the Dutch government of 1809 was even the government *de facto*. He rests this singular denial on certain facts and considerations, which show that Louis was entirely under the control of his brother. But to maintain, that no government can be called *de facto* the government of a country, which is influenced and controlled by another, is rather to moralise than to reason like a statesman ; and would prove that there was not a government *de facto* on the continent of Europe at that time, except the French. If the Dutch government with its king, ministry, and council of state, its army and navy, its customhouses, its courts, was neither a government *de facto*, nor *de jure*, we may ask what it was ? The very phrase, in which it is asserted that the government of Louis was not *de facto*, proves that it was—'the government of Louis.' There was then such a government. To this singular letter of the Baron de Nagell, which, but for the seriousness of the subject, would rather pass for a *jeu d'esprit*, than a diplomatic note, Mr Eustis, on the 25th of September, returned an able answer, principally occupied with the point, that the government of Louis was *de facto* the government of Holland. This Mr Eustis argues to be abundantly proved, 'by the circumstance of his exercise of all the functions of sovereignty for several years, in the face of all Europe, his reception and acknowledgment by the States' General, and the other constituted authorities of the nation, civil, military, and ecclesiastic ; and by his official intercourse with them from the time of his arrival in the country to that of his abdication.' Indeed, there is evidence before the world, not only in the shape of facts of public notoriety, but of the documents, which Louis himself, a few years since, collected and published, that he was not only the sovereign, but was resolved to be the independent sovereign of the country. So far is it from being true, that he was entirely controlled by Napoleon, that he was obliged to abdicate, because he refused to be thus controlled. The extraordinary letter of Napoleon to Louis, dated Dec. 21, 1809, and published at length in this Journal for Oct. 1820, p. 255, will show, that the administration of Louis had been one long act of resistance to his brother. 'Your majesty,' says Napoleon to Louis, 'in

mounting the throne of Holland forgot you were a Frenchman, and you have tried all the resources of your reason, and the delicacy of your conscience, to persuade yourself, that you belonged to Holland. The Dutch citizens, who inclined most to France, were neglected and persecuted; those who served the interests of England were advanced; Frenchmen of all ranks have been expelled or degraded, and I have had the grief of seeing in Holland, under a prince of my blood, the French name exposed to disgrace.' This is the government, which now, for convenient reasons, is denied to be any government at all. In fact, we believe it may be said, without exaggeration, that there was not a prince on the continent of Europe, who held a bolder front to Napoleon than his brother Louis. He derived a strength from his relationship, which none but his brothers could possess. He knew that policy would disincline Napoleon from a rupture with his family; and partly from this cause, and partly, it would seem, from a real sentiment of independence, he stood erect in the interest of his own little kingdom, in those disastrous times,

> 'When Austria bent, and Prussia broke,
> And the firm Russian's purpose brave
> Was bartered by a timorous slave.'

With this note of Mr Eustis, the negotiation with the Dutch government again dropped. On the 10th of August, 1818, Mr Everett, who had succeeded as Chargé d'Affaires, after the retirement of Mr Eustis, was instructed by the Secretary of State to revive the discussion. In his letter to this effect Mr Adams observes, that 'no principle of international law can be more clearly established, than this, that the rights and the obligations of a nation in regard to other states are independent of its internal revolutions of government. It extends even to the case of conquest. However frequent the instances of departure from this principle may be, in point of fact, it cannot with any color of reason be contested on the ground of right. On what other ground is it indeed, that both the governments of the Netherlands and of the United States now admit, that they are still reciprocally bound by the engagements, and entitled to claim from each other the benefits, of the treaty between the United States and the United Provinces of 1782?'

In pursuance of these instructions, the negotiation with the Dutch government was revived by Mr Everett, in a letter addressed to Baron de Nagell, bearing date February 22d, 1819. In this letter, the principles on which the claim was founded were discussed more thoroughly, than they had yet been. After relating the cases of the Baltimore and the Bacchus, and adding that of the St Michael, as being also a case of peculiar severity, Mr Everett appeals to the authorities of Grotius and Puffendorf, in support of the position, that a nation is bound by the acts of its sovereign, when a third party is concerned, even though that sovereign as a usurper may be dethroned by the lawful monarch.

Here we beg leave to state a consideration, growing out of the nature of monarchical institutions, strongly in favor of the validity of our claims, in opposition to the standing argument, that the confiscations were made by usurpers, viz. that the kingly office, not being an elective one, nor conferred by any specific act of popular consent, there is no test of the tenure but incumbency on the part of the king, and acquiescence on the part of the people. His present majesty of the Netherlands would doubtless be wronged, if the legitimacy of his title were questioned. And yet what is that title? An act of the Congress of Vienna, an assembly of princes, to which the inhabitants of the Netherlands were no parties, and by which Holland and Belgium, sorely against the will of the latter, were constituted a new sovereignty. The erection of Holland into a kingdom in 1805, when Louis mounted the throne, or the union of Holland with France in 1810, was not an act of more arbitrary power, than the erection of the kingdom of the Netherlands. We do not wish to say, that the government of his present majesty is not more deeply seated in the affections of the people, than that of Louis; although it is not a week since we heard from one of the highest officers of the Dutch service, himself a member of a princely house, that the name of Louis is never mentioned to this day but with respect, by his former subjects. We say then, that in the absence of elective institutions, there is no way in which the sovereignty can be ascertained, but by the acquiescence of the people; and we appeal to facts, as notorious as the light of day, that King Louis came to the throne with greater consent, on the part of his subjects, than his

present majesty of the Netherlands; and it surely will not be pretended for a moment—the suggestion would be injurious—that his present majesty's contracts would not be binding on his successors, however they might come to the throne, on the ground that the Congress of Vienna was a body unknown to the Dutch constitution, and that the nation of the Netherlands never assented to its acts. This is an argument, which delicacy forbids to be stated to the Dutch government, but we apprehend it to be of itself decisive of the question.

In pursuing the discussion, Mr Everett urges, at some length, that the obligation of treaties and contracts is allowed to survive the change of dynasties; that the obligation to redress a wrong is at least as binding as that of paying a debt; and that all the great powers of Europe have given their sanction to the American claim, by becoming parties to the treaty at Paris of May 30, 1814, by the nineteenth article of which, the present government of France undertakes to liquidate private debts of various kinds, due by the former government. 'It is presumed,' says Mr Everett, 'that the subjects of his majesty the king of the Netherlands, among the rest, enjoy at present the benefit of this arrangement, and have received payment from the present French government of debts to a large amount, that were due to them by the last. It would seem not unreasonable, therefore, that they should extend to other nations the same measure of justice, of which they have obtained the advantage themselves.' The case of the bank of Hamburgh, to which we have alluded in the introduction to these remarks, is then adduced; as well as that of a seizure of cotton in the Grand Duchy of Berg by the agents of Napoleon; the owners of which were refunded by Louis the Eighteenth to the full value of the cotton, with twelve per cent interest from the date of the decree of seizure. The letter closes with a brief but cogent answer to the argument, that the seizure being made by the French emperor, redress if anywhere must be sought of the French government.

After a delay of about four months, an answer to this note was returned by the Baron de Nagell. After attempting to correct the statement of facts, relative to the cases of the vessels mentioned by Mr Everett, this answer denies the pertinency of the authorities of Grotius and Puffendorf, cited by Mr Everett, in favor of the position that obligations sur-

vive changes of governments; but adds the alarming remark, 'that every one knows that inductions and analogies, drawn from the principles of the law of nations, lead naturally to endless discussions, since it is always easy to oppose authority to authority, and citation to citation.' We have called this remark alarming; but it is more, it is an indiscreet and probably unintentional avowal of the writer of this diplomatic note, to which the minister of the Dutch government subscribed his name, that questions between State and State are no longer decided by the 'principles of the law of nations.' Quote as many of the writers on this law as you will, the best approved, and in defence of the most notorious doctrines; our under secretaries and clerks stand ready to oppose authority to authority, and citation to citation. How then, we ask, is a question of claim to be settled, if not by reference to these principles? Not of course by reference to a friendly sovereign, for he can decide only by these same exploded and derided principles of the law of nations; and the case could not come before his arbitration, except as accompanied by that cloud of counter citations, which, according to this most extraordinary avowal, only neutralise each other. The result then is, that no claims are to be paid, but at the point of the bayonet; the claims of the strong against the weak. And in conformity with this doctrine, it is asserted, in terms very little disguised, in the course of the Baron de Nagell's note, that the indemnity paid by France was extorted from her weakness; and this, although the king of the Netherlands came in for his full share, as we shall see.

We shall not pursue this topic farther, except to show, by one example, that it is not quite so easy, as the Baron de Nagell has been taught to think, to oppose authority to authority, on questions of the law of nations. In the very paragraph preceding the singular assertion just cited, we read in the Baron de Nagell's note as follows. 'Puffendorf repeats the opinion of Grotius, nearly in the same words, and admits, of course, the same answers. But besides that he confessed, that there are differences of opinion on the subject, and that the passage like that of Grotius refers to the obligation, which a nation is under, notwithstanding the changes in the form of government, to adhere to its treaties, contracts, and financial engagements, the argument he uses

favors the opinion of the government of the Netherlands, it being, *that the people still possess the property to which the debt is attached.* But at the union of Holland and France, the American cargoes were carried away and confiscated; so that Holland no longer possesses the property to which the debt, if it be one, is attached.' We will not stop to try this pretended doctrine of Puffendorf, by the dictates of common sense; and to inquire (if the debt be attached to the identical property) what would become in any case of a claim founded on the confiscation of perishable articles; but we will quote Mr Everett's reply to this notable citation, as sufficient proof that it is not quite so easy, as the Baron de Nagell had supposed, to strike a balance of authorities on any question of national law. 'Nor is it correct,' says Mr Everett, 'as stated in the answer, that this obligation is attached by Puffendorf, to the possession of the identical articles, of which restitution is claimed. *The passage has been misunderstood by the writer of the answer.* It is as follows, "The nation is not a debtor precisely in its quality of body politic, but as holder of a common property, so that the debt is attached to the possession of *this* property, and passes with it." The property meant is the general stock of the nation. In the course of his remarks on this subject, *Puffendorf considers the case of a usurper, who has confiscated the property of individuals, and transferred it to foreigners; and decides that the transaction is valid, and that the sufferers cannot follow their property through his hands, and reclaim it of the actual holder. He thus determines expressly, that the obligation to restore is* NOT *attached to the possession of the thing taken.*' We confess that it is with some impatience, that we see our citizens defrauded out of their hard earned property, while our public agents are obliged to spend weary years, in combating arguments like that we have now exposed.

But to return to the Baron de Nagell's note; his next point is the very extraordinary one, that the indemnity, which France was called on to pay, was extorted from her by force; that it was 'the result of the extraordinary circumstances, in which France found herself placed by the fatality of events;' and that 'the determinations' of the allied sovereigns toward her 'are marked by passions, which their personal generosity disapproves.' Will it be believed that, out of the indemni-

ties, thus represented to be wrung by the overwhelming might of the allies, from the weakness of prostrate France, the King of the Netherlands, the master of the minister, who makes this representation, came in for the modest sum of one hundred and sixty millions of francs, or thirty two millions of dollars? This however will require a particular explanation, which we shall offer in the sequel. It is sufficient here to remark, that besides his proportion of the military contribution of seven hundred millions of francs, imposed by the allies on France, besides sixty millions of francs paid him in addition out of the same contribution, the subjects of his majesty of the Netherlands recovered debts and claims to the amount of eighty millions of francs, in virtue of the nineteenth article of the treaty of May (not March as it is called in this note) 30th, 1814. But the Baron de Nagell denies, that the recovery of these debts and claims, any more than the participation of the seven hundred millions by Holland, forms any precedent in favor of the American government.

The Baron de Nagell, in the close of this note, considers the case of the bank of Hamburgh, whose funds—partly the property of foreigners and neutrals—were seized by Davoust, and for which indemnity was demanded, and paid by France. The Baron says, that to make the cases parallel, the restitution should have been demanded by the foreigners and neutrals of the senate of Hamburgh and paid by them; but that it was demanded and received of the French government; and consequently the American merchant should, (as far as this case dictates a course to be observed,) resort also to the French government. Mr Everett, in his rejoinder, has met this view of the subject very conclusively, by the simple statement, that when the seizure was made, there was no senate of Hamburgh; that city was a part of the French empire; no government of Hamburgh existed, and therefore the present government is not responsible for the seizure. But we will grant the Baron, that though there was no senate of Hamburgh *in esse*, there was one *in posse;* that even in this republic, there was a legitimate government, latent but real; we will farther grant him, that reclamation is to be made by the foreigners and neutrals on the senate, and by the senate is to be made on France. This we grant should be done, to make the case *entirely* parallel; (although as such it was

not cited by Mr Everett ;) and such we will add *is* the fact. The Baron says, the foreigners and neutrals, on the American principle, should have gone *not* to the French government, *but* to the senate of Hamburgh. They did go to the senate of Hamburgh. And it was that senate which made the application to France ; as the King of the Netherlands doubtless will do, after having paid the claims of our merchants. What says the third article of the convention of the 20th of November, 1815? 'The reclamations *of the senate of Hamburgh*, concerning the bank of that city, shall be the object of a particular convention, between the commissioners of his most christian majesty, and those of the city of Hamburgh.' The reclamations were made then by the senate, on the French government; the money was paid by the French government to the senate ; of course the foreigners and neutrals received their indemnity, not of the French government, but of the government of Hamburgh. This then settles the justice of the American claims, on the authority of a case, admitted in his own explanation to be parallel by the Baron de Nagell. But we may observe, that his Excellency shuns the only question, which Mr Everett intended to raise on the case of the bank of Hamburgh. This case was cited to show, that the great powers of Europe, the powers who seated his majesty of the Netherlands on the throne, and in those arrangements to which the King of the Netherlands was a party *more highly benefited than any other in all Europe*, as we shall presently show, did sanction the claim of the bank of Hamburgh on Louis the Eighteenth for money, which Davoust, Napoleon's general, had plundered from the bank. This one example, lying in a very small compass, of easy comprehension, was quoted as sufficient proof, that the allied powers of Europe set up the doctrine, that the legitimate monarch of France was bound to refund the money, stolen by a general of the usurper out of the bank of Hamburgh, at that time a city of the French empire.

The case of the cotton seized in the Grand Duchy of Berg is still stronger, though attempted to be evaded by the Baron in the same way. We have not, however, space to detail it.

On the 15th of July, Mr Everett addressed a note to the Baron de Nagell by way of rejoinder. It is considerably in detail ; and drawn up with great precision. We find it im-

possible, however, to introduce an analysis of it. Some points in it we have already anticipated. To the arguments, by which the Baron attempted to escape the force of the precedent established by the allies, of demanding indemnity of France, Mr Everett thus replies.

'The example of the indemnities granted to foreign nations by France in the late treaties of Paris, is objected to on the ground, that the principle of indemnity was not acknowledged by France; but that the Allied Powers took advantage of their situation to force upon her an arrangement, which was in itself unjust, and which affords no rule for the conduct of other nations. When it is considered that the government of the Netherlands, if not an immediate party to these treaties, was intimately allied to the powers that concluded them, and has participated largely in the pecuniary benefits resulting from this particular provision, the objection appears somewhat extraordinary. It is stated by Schoel, that this government has received from France sixty millions of francs, to be employed in the construction of fortresses, an equivalent for twentytwo millions granted as indemnity, and more than eighty millions in satisfaction of pecuniary debts contracted by the former authorities. The responsibility of the present French Government for the acts of the former one, is, of course, supposed in all these payments; and the government of the Netherlands could not possibly have consented to accept these sums, unless it had approved the principle upon which they were paid. Whatever opinion might be formed by different persons of the character of these transactions, it is evident that they may be safely alleged as authority against the parties concerned, or those that derived a profit from them.

'But, without insisting on this point, it may easily be shown, that the principle of indemnity was, in fact, admitted by France herself. It is even admitted in the passage cited in the answer from a speech of the Duke de Richelieu, in the French House of Deputies. The Duke complains, indeed, that the principle was enforced with too much severity. "The rigor of it might have been alleviated by the equity and magnanimity of the sovereigns." What is this but saying, that the principle in itself is unjust? Again, "the recollections retained by the sovereigns of the violence, that had been exercised by France within their territories, prevented them from giving way to those generous sentiments, which they might otherwise have indulged." Was this violence, then, the act of Louis the Eighteenth? Unless the French nation under Louis the Eighteenth is responsible for the conduct of the French nation under Napoleon, upon what ground could the violent proceedings of the latter have irritated the sovereigns against his peaceful successor?'

About four months after the date of Mr Everett's letter, a reply to it was sent by the Baron de Nagell, under date of November 4th, 1819; the main object of which is to establish the point, that the acts complained of were those of the government of France, not of that of Holland. As this point, though professedly waved by the Baron in discussing the subject, was nevertheless resorted to, in the course of his present, as of his other letters, at every pinch of the American argument, Mr Everett immediately addressed a short note to Baron de Nagell, with a view of 'coming to some explicit understanding upon the facts.' After the lapse of a month an answer was returned by the Baron, in a tone of discontent, complaining, that Mr Everett had written his last letter, a week only after receiving that of the Baron, to which it is a reply; and consequently without time to have sent that of the Baron to America, and received the instructions of the American government, as the Baron supposed was in all cases done. After this complaint, he enters very briefly into a part of the argument on the precise nature of the acts, as to time and form, on which the American claim rests.

By this time, as may be well supposed, the subject had become not a little perplexed. With a view to the disentangling of it, Mr Everett prepared an elaborate review, analysis, and restatement of the argument of the whole subject, with the design of presenting it to the Dutch government. But the Baron de Nagell having intimated a wish to have the negotiation in its present stage submitted to the President of the United States, as already hinted, Mr Everett determined, instead of sending the last named document to the Baron, to transmit it to the President, which was accordingly done. It forms a part of the collection of documents on this subject, laid before Congress at the last session, and may be advantageously consulted for a view of the whole question. Shortly after the receipt of this document by our government, the Dutch Chargé d' Affaires at Washington, the Viscount de Quabeck, in taking leave, expressed to the President of the United States, by order of the King of the Netherlands, the wish, that this discussion should not be further pressed. In communicating this fact to Mr Everett, the Secretary of State adds, although the Viscount 'was distinctly informed that the rights of our citizens to indemnity for injuries so unjustifiable

and flagrant, could not be abandoned by this government, the President believes that it may be expedient to forbear renewing applications in their behalf, for the present.' These instructions to Mr Everett bore date 26th of May, 1820, and since that time we do not understand the claim to have been prosecuted. On the 18th of January last, a resolution passed the House of Representatives, on motion of Mr Webster, requesting information on this subject; in consequence of which the documents were communicated, of which we have now given an account.

The argument in the cases of Naples and Holland is the same in substance, and as we have already stated, 1st, that the seizures were acts of violence perpetrated by Napoleon, and for which, at the time, not even Murat nor Louis was responsible; 2dly, that had they been the acts of the usurpers, Murat and Louis, no claim for compensation could hold against the rightful sovereigns, their successors. To these, we reply in brief, that the confiscations were the official acts of the Neapolitan and Dutch rulers; the degree of influence, or even of violence practised on them, by the French ruler, is a point, of which we know nothing; and which, though it may very equitably affect the claim of the present governments of Naples and Holland against France, cannot touch us. The kings, Murat and Louis, had good reasons for taking the property of our merchants. What those reasons were, it is not for us to inquire; very possibly, we may say undoubtedly, to prevent worse consequences. His imperial majesty wanted money, and would have it. He had adopted the Horatian maxim very decidedly. He wanted it from all quarters, some from Naples, some from Holland. Our good ships were a convenient fund, their confiscation an easy resort. Had this not presented itself, does any man think that Holland and Naples would have paid a farthing the less to nourish the ambitious, or the luxurious wants of Napoleon? Not a farthing.

But the anxiety, with which the second argument is pressed, shows a secret distrust of the validity of the first. Though Murat and Louis plundered the Americans, they were usurpers, and no claim can exist against their legitimate successors. The King of Naples, who was of plain and familiar manners, used to say to Mr Degen, 'Why, the fellow took your ships,

it is true; but he took my kingdom; I suffered more than you did, I lost all; and shall I have, besides my own losses, to bear yours?" This, though bluntly put, contains the gist of the argument. In neither case, has it a shadow of weight; though more plausible in that of Naples than Holland. But the claim is neither against Murat nor Ferdinand; it is against Naples. For certain reasons, best known to themselves, the people of Naples choose to perform their public acts by a hereditary king; and we by an elective Congress. It is the nation, in both cases, that is responsible. The United States would look but meanly, in the eyes of Europe, were they to refuse to perform obligations founded in justice, either to repair wrong or do right, on the ground that their executive, or their legislative servants, had acted foolishly or wickedly. All Europe would say, you have solemnly professed, before the world, to act in your national capacity by the agency of your chosen rulers; you chose these knaves or fools, and you must acquit their obligations. In like manner we say to Naples. You have preferred a monarchical government; you boast of its advantages; you say it is concentrated and energetic; you point to your own history, and other history, to show its beneficial effects. You must take it for better and for worse. Conquest and military power are of old familiar and valid titles to any crown. Foreigners cannot discriminate. You elect none of your kings. Murat was king by the same title that Alexander reigns at Warsaw; Austria in Gallicia and Milan; Prussia at Cologne; the King of Sardinia at Genoa; the English in all India. Is not the King of Sweden able to contract for that nation? And what placed him on the throne? Besides, though it does not alter the case, Murat was popular in Naples. There never was a hand raised against him. The old Neapolitan nobility graced his court; and the historian, no friend to revolutionary kings, declares, that the kingdom was benefited during his reign. The brigands were crushed, public buildings erected, the ruins of the ancient cities,—one of the great attractions at Naples,—excavated, and the government administered with vigor unknown to the feeble monarchs of the legitimate line. Finally, the Emperor of Austria did by treaty guaranty the throne of Naples to Murat, and England solemnly consented to the arrangement. But if none of all these circumstances

had existed, Murat was nevertheless *de facto* king, and it is the fundamental principle of monarchical government, that the nation acts by its sovereign, alike for good and evil;

Quicquid delirant reges plectuntur Achivi.

What in fact can be more futile, than to suppose that we claim indemnity out of the private purse of the present king? We claim it of the nation. He was, it is true, dethroned and banished; but another ruled in his place, and that by the acquiescence of his people. The nation remains the same.

But it is hard, you urge, to come upon poor Ferdinand, or even upon poor Naples, to refund the property thus confiscated. Perhaps not so hard, as it may seem. Some of the vessels confiscated were taken into the public service; and were in the service of the restored king, at the time he disclaimed all participation in the plunder. The rest, with their cargoes, were sold, and went to furnish the means, with which the Neapolitan populace received their favorite largess of *panem et circenses;* with which the streets and squares of Pompeii were uncovered; with which a new and spacious avenue was opened to Naples; with which an efficient police was maintained; with which bands of robbers, hitherto triumphant, were swept from the passes of Puglia and Calabria. Surely it is in vain to attempt to discriminate between these expenses, and the personal luxuries of Murat, his expenditures in foreign wars, or his tribute money to his master Napoleon. Surely it is in vain, to affect to put a mark on the particular dollars, paid into his hands from the sale of American property, and say those and no other went to his luxuries and his vices. Even could it be done, it would avail nothing in the argument, for what is plainer, than that in this case, the national resources were relieved of so much of the burden of the government, in consequence of the supply derived from our plunder.

It is not then so *hard*, as it may at first appear. But grant it were hard; it is not therefore unjust. It is hard for an innocent endorser to pay the note, for which he became responsible, with no such expectation. It is hard for the citizen to be taxed, beyond his means, to support measures of national policy, which he disapproves; it is always hard to bear burdens, to suffer calamities, to look ruin in the face. It is

hard for the American merchant engaged in honest trade, on the faith of public law, and believing that he is the citizen of a republic, able to protect him in his rights, to have his property torn from his vessels, both sold to defray the expenses of the Neapolitan government; and then be told, for all answer, that the government at that time happened to rest on no stronger title, than that of twothirds of the kings of Europe.

But let us turn to the Dutch claim, and see how it looks in reference to the obligation of legitimate governments, to pay the debts of their usurping predecessors. No country ever fought harder, or longer, or suffered more, for a free government, than the Dutch. In an age, when freedom was a bolder word, than it has since become, with tyranny staring them in the face, in all the surrounding nations, on both sides of the channel, they dared and suffered beyond the measure of humanity, in the cause of elective and popular institutions. The disasters of their situation led, at different periods, to the elevation of the princely house of Orange to the stadtholdership, and to the perpetual and hereditary tenure of that office. With every return of prosperity, the popular frame of the constitution was restored. After William the Third, and till 1764, the hereditary stadtholdership slumbered. The aristocratic party then triumphed for a generation; but at the close of the American war, and under the influence, no doubt, of our example, the popular party revived, concentrated itself, and long before the French Revolution broke out, had restored a free elective government. Nor was it effectually crushed in 1787, by the troops of Prussia, whose crown was allied by marriage to the Prince of Orange. It cannot therefore be pretended, that popular institutions in Holland were the offspring of the French Revolution; although the particular form of the Batavian Republic grew up, after the successes of the French armies in this devoted region. In 1805, Napoleon erected Holland into a kingdom, and placed his brother Louis on the throne. Louis was universally beloved. If the assent of the subject is allowed to add anything to the strength of the title, by which a king holds his crown, never did a sovereign reign by a better title. In 1810, Louis was compelled to abdicate; and Holland was declared a part of the French em-

pire. In 1813, the star of Napoleon began to wane; he was driven out of Germany by the embattled nations of the north, and those enlightened friends of government and civilisation, the Cossacks of the Don, made their appearance in Holland from the sands of Westphalia. And now, wo to usurpers! The armed burghers of Amsterdam, the remnants of a confederacy formed thirty years before to put down the Stadtholder, start into being; the French Prefect is expelled, the national flag is seen floating on the steeples of Amsterdam, and soon on those of all Holland, and the cry of *Orange boven* is heard from the Ems to the Scheldt. But

Quid dignum tanto feret hic promissor hiatu?

On the 21st of November, 1813, of a pleasant winter's morning, the Prince of Orange beholds from his window in Harley street, London, the Baron Perponcher and Mr James Fagel, approaching his dwelling, to apprise him of the events which had taken place, and invite him to Holland. A British cabinet council is next called; but one result could take place; and on the 25th of the same month the Prince of Orange embarks for Holland, on board his majesty's ship Warrior, rated at seventyfour guns, but pierced for ninety. The Russian general Winzingerode was already in force at Amsterdam, to facilitate the organisation of a legitimate government, founded on the corner stone of the people's will. Thus far things look as fair as could be expected; for though Holland, when we last saw her independent of foreign control, had abolished the perpetual and hereditary stadtholdership, yet the Prince of Orange was the heir of his illustrious predecessors, the governors of three Dutch provinces independent of the stadtholdership; nor could it yet appear what course he would adopt. But the veil was soon dropped. On the 1st of December he made his public entry into Amsterdam, and a proclamation was issued, setting forth that, 'It is not William the Sixth, whom the people of the Netherlands have recalled, without knowing what they might have to hope or expect from him, but William the First, who, as sovereign prince, by the wish of the Netherlanders, *appears as sovereign* among that people, which once before has been delivered by another William the First from the slavery of foreign despot-

ism.' The English historian of these transactions* observes, that 'it was remarkable that his serene highness had been invited to take the reins of government, not under the ancient title of stadtholder, but the new and indefinite one of sovereign. *Whence this alteration originated has not been made public.*' For the beginning of a legitimate government, founded on the ruins of a usurpation, this is rather high seasoned.

But the half is not yet told. Between Holland and France, lies a fertile region, known in elder geography as Austrian Netherlands. A region larger, richer, more populous than Holland, speaking a different language, bigoted in a different religion, of different national pursuits, never subject to the Dutch government. Eighteen hundred thousand Hollanders are but a small kingdom for the new sovereign; a powerful barrier is wanted against France; the young Prince of Orange is expected to marry the Princess Charlotte of England, and for these and other considerations thereunto moving, the lieges of Belgium are declared subjects of William the First; and the whole territory constituted a kingdom, by vote of the Congress of Vienna, in the following terms, to wit, 'The old United Provinces of the Netherlands and the former Provinces of Belgium, according to the limits of both as fixed in the following article, together with the regions and territories therein named, shall constitute, under the sovereignty of his royal highness the Prince of Orange Nassau, (sovereign prince of the United Provinces,) *the Kingdom of the Netherlands*, hereditary in the order of succession, already established by the constitutional act of the said United Provinces. The title and the prerogatives of the royal dignity are recognised in the house of Orange Nassau, by all the powers.' By this act of a foreign body, in which neither Holland nor Belgium was pretended even to be represented, was Belgium subjected to the Dutch yoke; and that, as is well known, to the great discontent of its inhabitants. This is the way, by which usurpers are expelled and lawful sovereigns established. Well may we parody the exclamation of Mr Fox to the electors of Westminster; 'O calumniated Turks! how falsely is

* Annual Register for 1813, p. 162.

it declared that you rule by the right of the sword; O much injured Napoleon! how moderate and just was thy policy; O tame, uninspired Machiavelli! how coldly hast thou depicted the true foundation of the power of the prince, how feebly hast thou set forth the right divine of the strongest!'

One word more. The King of the Low Countries was fairly the pet, the *enfant gaté*, of those eventful times. Out of the indemnity of seven hundred millions paid by France, sixty millions, to begin with, were assigned to him to fortify his frontiers. His share of the remainder was declared to be twentyone millions more; but this he was directed to cede to Austria in compensation for Belgium. Eighty millions more were paid to his subjects, on the footing of private claims. His hereditary princedom, and his dubious stadtholdership, were converted into the sovereignty of Holland; and to his power as Dutch king, was subjected all Belgium, with Marienbourg, Philipville, and other districts, so that he has come out of the revolutionary vortex the first power of the second rank in Europe. This is the prince, who has suffered so much. This is the lawful sovereign, who will not hear of an obligation derived from the usurpers Napoleon and Louis.

We shall close this article with a brief account of one portion of the claims of American citizens for French spoliations.

The claims for French spoliations are of two kinds; those, which arise from the depredations on our commerce between the years 1793 and 1800; and those, which date from the period of the continental system of Napoleon. The position of the claims of the two classes is wholly dissimilar. Our limits will not permit us to enter into a very full discussion of either. We shall confine ourselves at present to the claims for spoliations prior to 1800; and must reserve for another opportunity, what we may wish to say of the other class of French claims, as of those on Spain and Denmark.

By the eleventh article of the treaty of alliance of 1778, between France and the United States, the parties mutually guarantied to each other their respective possessions. This guaranty, of course, laid the United States under a very onerous obligation, in reference to the French West Indies, most of which fell into the possession of the British, during the French revolutionary war. By a series of unjust and

illegal decrees, emanating from the various revolutionary governments in France, between the years 1793 and 1798, a vast amount of American property in the West Indies, the ports of France, and on the high seas, was captured or destroyed. Indemnity for these spoliations was regularly and constantly demanded by the American ministers at Paris, by the government at home of the French ministers to this country, and lastly by the envoys, who in 1797 were sent by President Adams to France. These demands, though acknowledged by the French government to be some of them just, were so far from being paid, that new and greater outrages were daily committed, till several acts of Congress were passed in the year 1798, directing reprisals on the vessels of the French republic. In 1799, three other envoys were sent to France, who succeeded in negotiating a convention with Bonaparte, bearing date the 30th of November, 1800. The second article of this convention is as follows; 'The ministers plenipotentiary of the two parties not being able to agree at present respecting the treaty of alliance of February 6, 1778, the treaty of amity and commerce of the same date, and the convention of November 14, 1788, nor upon the indemnities mutually due or claimed, the parties will negotiate further on these subjects at a convenient time; and until they have agreed upon these points, the said treaties and convention shall have no operation, and the relations of the two countries shall be regulated as follows.'

On the 3d of February, 1801, this treaty was ratified by the Senate, with the exception of the article just recited, which the Senate refused to ratify. The effect of this refusal was a mutual renunciation, by France and the United States, of their claims, the one to have the West Indies guarantied, the other to indemnity for spoliations. The convention went back to Paris, with this article omitted; and was ratified by Bonaparte, with a note subjoined, declaring that said omission was understood by him, to be a mutual renunciation of the claims of the two parties. His ratification came over to America with this explanatory note, and on the 19th of December, 1801, the Senate declared the convention to be fully ratified.

By the fifth article of the said convention, it was provided that 'the debts contracted by one of the two nations with

individuals of the other, or by individuals of the one with individuals of the other, shall be paid, or the payment may be prosecuted, in the same manner, as if there had been no misunderstanding between the two states; but this clause shall not extend to indemnities claimed on account of captures or confiscations.'

On the 30th of April, 1803, was negotiated at Paris the Louisiana treaty, a measure of itself sufficient to render Mr Jefferson's administration illustrious, in every succeeding age of American history. This treaty was comprised in four conventions, the third of which is devoted to a liquidation of claims of American citizens on the French government, on account of 'supplies, embargoes, and prizes at sea;' and for the payment of which, three millions seven hundred and fifty thousand dollars were appropriated at different times, being considered as part of the purchase money of Louisiana. A conjectural note of the claims entitled to be paid, was attached to the convention. They were to be paid, principal and interest, as fast as they should be allowed. Three American commissioners were named to examine the claims, as they had already been or might be presented to the accounting officers of the French government, for the purpose of taking advantage of this provision. Every decision was to be made, in the course of a year, and no reclamation afterwards admitted.

Of the expediency of the details of this arrangement, of the propriety of a liquidation at Paris, and of the mode in which the fund was distributed, we do not propose at this time to say much. It is obvious that the American government, and the American claimants, could not have acquiesced in these arrangements of choice; and so unreasonable a procedure as that of paying each claim, principal and interest, as soon as it was allowed, could not, we presume, have had its origin in any just policy. Great complaints, public as well as private, were made at the time, by claimants, who sent to Paris and found the money all gone, and the case of the New Jersey particularly became the subject of a correspondence between Mr Madison, then secretary of state, and General Armstrong our minister at Paris. The times, however, were adverse to the prosecution of the claim. Abroad, instead of affording redress for old grievances, the French government

was overwhelming us with new. At home, the restrictive system, and afterwards the war, occupied all thoughts. Since the restoration of peace, attempts, hitherto unsuccessful, have been made by some of the claimants to procure indemnity of our own government. Toward the close of the first session of the eighteenth Congress, the communication of the correspondence of our government with its ministers and the French government, on the subject of these claims, was asked by the House of Representatives, but from its voluminousness was deferred to the last session, and has not yet, we believe, been made. When that communication shall take place, full light will be thrown on these claims. Even, as at present advised, we are clearly of opinion, that they are valid against our government, and for the following reasons in brief;

1. The United States were bound, by the treaty of 1778, to guaranty to the French the West India islands; a guaranty, which it would have cost us a war with England to fulfil.

2. Our citizens claimed indemnity for various losses arising from supplies unpaid for, embargoes, and captures. These claims were the subject of negotiations between our government and the French.

3. By the convention of 1800, our government renounced the right of our citizens to prosecute these claims, and that, for the very valuable consideration of being exonerated from the obligations of the treaty of 1778.

4. In consideration of the purchase of Louisiana by our government, France consented to assume a portion of these claims, which were accordingly paid, as we have seen.

5. A much larger amount of claims equally valid remains unliquidated, and for which our government is bound, for the reasons stated, to provide, the rather as it has lately provided ample indemnity for claims against Spain, in no degree more urgent in their nature, nor entitled to the least preference.

Art. II.—1. *Recollections of the Life of Lord Byron, from the Year* 1808 *to the End of* 1814. By the late R. C. Dallas, Esq. 8vo. Philadelphia. A. Small, and Carey and Lea. 1825.

2. *Correspondence of Lord Byron with a Friend; including his Letters to his Mother; in* 1809, 1810, *and* 1811. 12mo. Philadelphia. Carey and Lea. 1825.

3. *Journal of the Conversations of Lord Byron; noted during a Residence with his Lordship at Pisa, in the Years* 1821 *and* 1822. By Thomas Medwin, Esq. of the 24th Light Dragoons. 12mo. New York. 1824.

There are few individuals who, during the age in which they lived, have excited stronger interest than Lord Byron. His character and writings are a subject well worthy of attention. On the former, some light is thrown by the publications, which have appeared since his death.

Among these, Mr Dallas' Recollections, though the work of a weak and vain man, has a certain degree of value. It illustrates the history of Lord Byron's character. Mr Dallas, who was an author by profession, has been known principally as the writer of some indifferent novels, and the translator of Bertrand de Moleville's Annals of the French Revolution. He was connected with the family of the Byrons; his sister having been married to an uncle of the poet. His acquaintance with Lord Byron, however, commenced after the latter had published his juvenile poems, entitled Hours of Idleness. Upon this occasion, Mr Dallas addressed a letter to him, saying that 'he felt irresistibly impelled to pay him a tribute, on the effusions of a noble mind in strains so truly poetic.' Having commenced in this manner, he continued to administer his admiration liberally, at a time, when such admiration was of more value to Lord Byron, than it afterwards became. The acquaintance strengthened; and Mr Dallas superintended the publication of the English Bards and Scotch Reviewers; and of the first two cantos of Childe Harold; acting, at once, as critic and corrector of the press. For these and for other services, he was rewarded, but not, as he thought, repaid

by the copyright of several of Lord Byron's publications. Their friendship, however, was not formed to last, and was broken off long before the death of Lord Byron.

Captain Medwin's intimacy with Lord Byron commenced at a late period in the life of the latter, when he had not an extensive choice of associates. The authenticity of his book has been controverted. Mr Murray, Lord Byron's publisher, has proved, that much of the conversation, reported to have passed respecting himself, is incorrect and injurious. Still the question arises, whether this want of correctness is to be charged upon Lord Byron or Captain Medwin ; and there seems to be no satisfactory ground for deciding against the latter. Inaccuracies of statement, likewise, have been pointed out by a writer in a late number of the Westminster Review, supposed to be Lord Byron's friend, Mr Hobhouse. As to some of them, there may be a doubt, as in the former case, which of the two individuals concerned is responsible. For others, however, Captain Medwin must be regarded as solely accountable. The article, which has been referred to, proves that he has not always been careful in the statement of facts, that he has committed some blunders ;* and, perhaps, that he has sometimes ascribed to Lord Byron, rather what he might have said, than what he did say. But, on the whole, this attack upon Captain Medwin's book may serve rather to confirm than to weaken one's belief in its general credibility. With an evident perception on the part of the writer, that its statements are not honorable to Lord Byron, and a strong inclination to detect mistakes, still little is disproved or contradicted, which would much affect our estimate of Lord Byron's character, or even manners. No motive is assigned by the reviewer, to explain why the author should have reported the conversation of Lord Byron falsely ; except one, a desire to appear more intimate with him, than he really was. The accounts of Medwin correspond to the

* Captain Medwin represents Byron as saying that the words, '*Thou tremblest*'—'*'Tis with age then,*' which occur in his Marino Faliero, 'were taken from the Old Bailey proceedings. Some judge observed to the witness, "Thou tremblest"—"'Tis with cold then," was the reply.'

'Who does not know,' asks his reviewer, 'that this famous speech, which the Conversation writer made his Lord Byron say, was made in the Old Bailey, was uttered by Bailly, the mayor of Paris, on his way to the scaffold. That the real Lord Byron should make so ludicrous a blunder is morally impossible.' Lord Byron refers to the reply of Bailly in his note on the passage.

impression, which Byron has given of himself by his writings, and by the notorious facts in his life. His conversation, as reported by the former, is in general such as one might suppose it would be. The style of expression corresponds with that of his prose writings. The remarks upon almost all subjects, even those of mere literature, are superficial; the result of unsettled principles of judgment and taste. The temper discovered is characteristic. He is represented as talking much of himself and his works; as full of spleen toward others, especially those who had been most nearly allied to him, and as hardly concealing his contempt for his few remaining associates, such as Shelley, 'the snake,' as he was pleased to call him, and Leigh Hunt, 'the author of Nimini Pimini, and Follyage,' titles which he applied to his poems. He appears as a thorough libertine, devoid of all the proper feelings of a man, toward his wife, his mother, and it may be added, for the case is glaring, toward the degraded females with whom he had been connected. He seems to have regarded woman, only as an object of sensuality and insult. The same character is obvious in some of his later writings.

Supposing, however, Lord Byron's conversation to be, in general, correctly reported in this book, still it is questionable how far his statements are to be depended upon. Captain Medwin's visits were frequently, as he says, at 11 o'clock in the evening; and considering the accounts which he gives of Lord Byron's habits of life, the latter could not always, at that hour, be expected to recollect or to state facts with great accuracy. The general air of his conversation, as reported, may lead one to suspect, likewise, that his vanity sometimes betrayed him into extravagancies. Disposed, therefore, as one may be, from the present state of the evidence, to regard the book as, in the main, a credible narrative of Lord Byron's conversations; yet on account of the probable inaccuracies both of the speaker and the reporter, it is to be appealed to with caution; but with proper caution some use may be made of it.

The conversations reported by Medwin, took place during two of the last years of Lord Byron's life. But in the degradation into which he fell, when he had become the author of Cain and Don Juan, we must not forget his extraordinary

powers. At that period, 'all that gives gloss to sin had passed away,'

> 'And rooted stood in manhood's hour,
> The weeds of vice without the flower.'

The moral change between youth and middle age was perhaps only such, as might have been anticipated; but there were seasons in his life, when the passions and vices, which at last completed their work of ruin, seem to have lost something of their force; and the evil spirit, of which he was the prey, seems to have been driven off, by the strong action of his genius and his better nature. He had the power, beyond almost any other poet, of uttering deep tones of feeling, which dwelt upon the mind, and called forth strong sympathy, even when connected with a perverted ostentation of lamentable defects of character. His life, too, forms a melancholy story, melancholy enough in reality, without our being deceived by the affectation of wretchedness, which he assumed for the purpose of poetical display. He was unfortunate in the moral influences which operated upon his character. Much of compassion, therefore, some lingerings of sympathy, and admiration for his genius, though his intellectual powers were great only within a limited sphere, mingle with the reprobation, with which his life and writings must on the whole be regarded. At one period of his course, an observer, ignorant of the evil to which he had been exposed, might have applied to him the lines of his favorite poet—

> 'Blest with each gift of nature and of art,
> And wanting nothing but an honest heart.'

With more kindness, however, and, perhaps, more justice, one might have ascribed to him a character, which he himself has drawn, as that of his Manfred.

> This should have been a noble creature; he
> Hath all the energy which would have made
> A goodly frame of glorious elements,
> Had they been wisely mingled; as it is,
> It is an awful chaos—light and darkness—
> And mind and dust—and passions and pure thoughts,
> Mixed, and contending without end or order,
> All dormant or destructive.

Lord Byron's father, who was notorious for his profligacy, died while his son was a child. The marriage of his father with his mother was preceded by an elopement, and appears to have alienated the families of both parties. It was, as may be supposed, an unhappy one. His mother, in whose care he was left, appears to have been unfit to form or influence his character in a proper manner. He is represented by Medwin, as speaking of her without feeling or reserve; and his letters to her discover little tenderness or respect. This is the more remarkable, as his mother and himself seem to have been almost alone in the world. According to Dallas, they were, during his youth, neglected by his other relations.

At the university he fell, according to every account, including his own, into a course of reckless profligacy. The following is an extract from his reply to Mr Dallas' first letter, written in his twentieth year.

'My pretensions to virtue are unluckily so few, that though I should be happy to merit, I cannot accept, your applause in that respect. One passage in your letter struck me forcibly; you mention the two Lords Lyttleton in the manner they respectively deserve, and will be surprised to hear the person, who is now addressing you, has been frequently compared to the *latter*. I know I am injuring myself in your esteem by this avowal, but the circumstance was so remarkable from your observation, that I cannot help relating the fact. The events of my short life have been of so singular a nature, that, though the pride commonly called honor has, and I trust ever will, prevent me from disgracing my name by a mean or cowardly action, I have been already held up as the votary of licentiousness, and the disciple of infidelity. How far justice may have dictated this accusation I cannot pretend to say, but, like the *gentleman* to whom my religious friends, in the warmth of their charity, have already devoted me, I am made worse than I really am.' pp. 7, 8.

The following is from a subsequent letter to Mr Dallas.

'I once thought myself a philosopher, and talked nonsense with great decorum; I defied pain, and preached up equanimity. For some time this did very well, for no one was in *pain* for me but my friends, and none lost their patience but my hearers. At last, a fall from my horse convinced me that bodily suffering was an evil; and the worst of an argument overset my maxims and my

temper at the same moment, so I quitted Zeno for Aristippus, and conceive that pleasure constitutes the το καλον. In morality, I prefer Confucius to the Ten Commandments, and Socrates to St Paul, though the two latter agree in their opinion of marriage. In religion I favor the Catholic emancipation, but do not acknowledge the pope; and I have refused to take the sacrament, because I do not think eating bread or drinking wine from the hand of an earthly vicar will make me an inheritor of heaven. I hold virtue in general, or the virtues severally, to be only in the disposition, each a *feeling*, not a principle. I believe truth the prime attribute of the Deity; and death an eternal sleep, at least of the body. You have here a brief compendium of the sentiments of the *wicked* George Lord Byron; and, till I get a new suit, you will perceive I am badly clothed.' pp. 13, 14.

While at the university, he became intimate with one, whom he thus celebrates in the concluding note to the first canto of Childe Harold.

'I should have ventured a verse to the memory of the late Charles Skinner Matthews, Fellow of Downing College, Cambridge, were he not too much above all praise of mine. His powers of mind, shown in the attainment of greater honors, against the ablest candidates, than those of any graduate on record at Cambridge, have sufficiently established his fame on the spot where it was acquired, while his softer qualities live in the recollection of friends, who loved him too well to envy his superiority.' p. 196.

Of Mr Matthews, however, he speaks in the following terms in a letter to Mr Dallas.

'You did not know M**; he was a man of the most astonishing powers, as he sufficiently proved at Cambridge, by carrying off more prizes and fellowships, against the ablest candidates, than any other graduate on record; but a most decided atheist, indeed noxiously so, for he proclaimed his principles in all societies.' p. 143.

Lord Byron early experienced some of those consequences, which a mind of much feeling, and of much compass of thought, must suffer from the opinions he had adopted, and the course of conduct he pursued; satiety, loathing of the world, remorse, and misanthropy. He formed friendships with the worthless, and finding them worthless, in his disappointment and despite, he denied the existence of all disinterested

feeling. His most craving passion was the desire of fixing upon himself the admiration and sympathy, or at least the wonder and gaze of men. He was desirous of possessing some extraordinary distinction, which should separate him from all others, as one entitled to peculiar regard. He wished to exhibit himself as standing alone, 'among men, but not of them;'

> '———In a shroud of thoughts,
> Which were not their thoughts.'

But this is a passion, the most irritating, and the most liable to disappointment. Its natural tendency is to misanthropy. He, whom it possesses, is led to look upon those around him, as selfish, low minded, cold and unjust; because they do not view him as an object of particular interest. He is utterly discontented with that small portion, which most of us can fairly claim, of the general regard of others; of the regard of any, except those few, whom we may have attached to us by virtue, kindness, and equal returns of sympathy. He feels, as if he were defrauded of his rights by his fellowmen, when they suffer him to remain unnoticed. The strong workings of this passion at last made Byron a poet; and a poet, whose principal subject, presented either with or without disguise, was himself. The passion attained its object; but not its gratification, for that is impossible. Byron had, at last, few rivals in fame, and was as miserable, and more degraded than before.

While yet at the university, at the age of nineteen, he published his first volume of poems. There is much in them which shows an unformed mind, an unpractised hand, and a want of good taste. But, considering the age at which they were written, they are uncommon productions. To say the least, and that is saying but little, they are as good as three quarters of the verses, to be found in those monumental depositories, called bodies of English poetry. What is most remarkable, with but a few exceptions, they discover little of that peculiar moral character, and of those dark feelings, which afterward were among the most striking characteristics of his poetry. They express, for the most part, common sentiments and affections. Several of them are addressed to youthful friends, and written with much appear-

ance of feeling. The volume, in general, hardly connects itself with the subsequent exhibitions of his mind. We will give a few extracts, not so much for the sake of the poetry, as to illustrate the poetical character, in which Byron, at this time, wished to appear, corresponding, probably, in a considerable degree, to the yet unfixed state of his real character.

Oh! yes, I will own we were dear to each other,
The friendships of childhood, though fleeting, are true;
The love, which you felt, was the love of a brother,
Nor less the affection I cherish'd for you.

But Friendship can vary her gentle dominion,
The attachment of years, in a moment, expires;
Like Love, too, she moves on a swift waving pinion,
But glows not, like Love, with unquenchable fires.

Full oft have we wander'd through Ida together,
And blest were the scenes of our youth, I allow;
In the spring of our life, how serene is the weather!
But winter's rude tempests are gathering now.

No more with Affection shall Memory blending
The wonted delights of our childhood retrace;
When Pride steels the bosom, the heart is unbending,
And what would be Justice, appears a disgrace.

However, dear S——, for I still must esteem you,
The few, whom I love, I can never upbraid,
The chance, which has lost, may in future redeem you,
Repentance will cancel the vow you have made.

I will not complain, and though chill'd is affection,
With me no corroding resentment shall live;
My bosom is calmed by the simple reflection,
That both may be wrong, and that both should forgive.

You knew, that my soul, that my heart, my existence,
If danger demanded were wholly your own;
You knew me unalter'd, by years or by distance,
Devoted to love and to friendship alone.

You knew,——but away with the vain retrospection,
The bond of affection no longer endures;
Too late you may droop o'er the fond recollection,
And sigh for the friend who was formerly yours.

For the present, we part,—I will hope not forever,
For time and regret will restore you at last;
To forget our dissension we both should endeavor,
I ask no atonement, but days like the past.

What follows are the concluding verses of a poem addressed to the Earl of ——.

Not for a moment may you stray
From Truth's secure, unerring way,
May no delights decoy;
O'er roses may your footsteps move,
Your smiles be ever smiles of love,
Your tears be tears of joy.

Oh! if you wish, that happiness
Your coming days and years may bless,
And virtues crown your brow;
Be, still, as you were wont to be,
Spotless as you've been known to me,
Be, still, as you are now.

And though some trifling share of praise,
To cheer my last declining days,
To me were doubly dear;
Whilst blessing your beloved name,
I'd *wave* at once a *poet's* fame,
To *prove* a *prophet here.*

The next extract is from a poem to E. N. L. Esq.

Though Youth has flown on rosy pinion,
And Manhood claims his stern dominion,
Age will not every hope destroy,
But yield some hours of sober joy.

Yes, I will hope that Time's broad wing,
Will shed around some dews of spring;
But, if his scythe must sweep the flowers,
Which bloom among the fairy bowers,
Where smiling youth delights to dwell,
And hearts with early rapture swell;
If frowning Age, with cold control,
Confines the current of the soul,
Congeals the tear of Pity's eye,
Or checks the sympathetic sigh,

Or hears, unmov'd, Misfortune's groan,
And bids me feel for self alone;
Oh! may my bosom never learn,
To sooth its wonted heedless flow,
Still, still despise the censor stern,
But ne'er forget another's wo.
Yes, as you knew me in the days,
O'er which Remembrance yet delays,
Still may I rove, untutor'd, wild,
And even in age, at heart a child.

Other similar passages might be quoted. But with all this occasional difference of feeling, there are breakings forth of the same spirit, which afterwards displayed itself; and it is remarkable that where these appear, the expression becomes more energetic.

Few are my years, and, yet I feel
The world was ne'er design'd for me;
Ah! why do darkening shades conceal
The hour when man must cease to be?
Once I beheld a splendid dream,
A visionary scene of bliss;
Truth!—wherefore did thy hated beam
Awake me to a world like this?

I lov'd—but those I lov'd are gone;
Had friends—my early friends are fled;
How cheerless feels the heart alone,
When all its former hopes are dead!
Though gay companions, o'er the bowl,
Dispel awhile the sense of ill,
Though pleasure stirs the maddening soul,
The heart—the heart is lonely still.

How dull! to hear the voice of those,
Whom rank, or chance, whom wealth, or power,
Have made, though neither friends nor foes,
Associates of the festive hour!
Give me again, a faithful few,
In years and feelings still the same,
And I will fly the midnight crew,
Where boisterous joy is but a name.

One poem relates to a romantic story of an attachment, which he had felt, while a boy, to a lady considerably older than himself; and the disappointment of which he was fond of representing, as having had a very melancholy effect upon his morals and happiness. It is the same story to which he alludes in his 'Dream.' The following is from the poem first mentioned.

Ah! since thy angel form is gone,
My heart no more can rest with any;
But what it sought in thee alone,
Attempts, alas! to find in many.

Then, fare thee well, deceitful maid,
'Twere vain and fruitless to regret thee;
Nor Hope, nor Memory yield their aid,
But Pride may teach me to forget thee.

Yet all this giddy waste of years,
This tiresome round of palling pleasures,
These varied loves, these matrons' fears,
These thoughtless strains to passion's measures—

If thou wert mine, had all been hush'd;
This cheek, now pale from early riot,
With Passion's hectic ne'er had flush'd,
But bloom'd in calm domestic quiet.

Yes, once the rural scene was sweet,
For nature seem'd to smile before thee;
And once my breast abhorr'd deceit,
For then it beat but to adore thee.

But, now, I seek for other joys,
To think, would drive my soul to madness;
In thoughtless throngs, and empty noise,
I conquer half my bosom's sadness.

Yet, even in these, a thought will steal,
In spite of every vain endeavor;
And fiends might pity what I feel,
To know, that thou art lost forever.

The lady referred to in this poem, and in the 'Dream,' could not have been the same, whom he designated as

Thyrza; and in the one case or the other, therefore, he seems to have made an unnecessary demand upon public sympathy.

Upon the publication of his poems, they were reviewed in the Edinburgh Review, in that style of flippant, unfeeling, insulting criticism, which at one time contributed as much to the celebrity of that work, as the talent actually displayed in it; though since its novelty has passed away, it begins to be regarded in its true character, as equally offensive to right principles and good taste. The effect of such a review upon feelings like those of Byron, may be easily imagined. All his passions were thrown into commotion, and poured their gall through his mind. It, probably, had a far more important influence upon his future character, than the disappointed affection, which has just been referred to. It served to blast those feelings, by which he might have been allied to his fellowmen, and to render him the proud, insulated, unhappy being, which he subsequently became. It was administering poison to one in a fever. According to Medwin, he said respecting it,—

'When I first saw the review of my "Hours of Idleness," I was furious; in such a rage as I never have been since. I dined that day with Scrope Davies, and drank three bottles of claret to drown it; but it only boiled the more. That critique was a masterpiece of low wit, a tissue of scurrilous abuse. I remember there was a great deal of vulgar trash in it which was meant for humor, "about geople being thankful for what they could get"—"not looking a gift horse in the mouth," and such stable expressions.' p. 96.

For the wrong which he had suffered, Byron endeavored, in the first shock of his feelings, to revenge himself not merely upon the editor of the review and his associates, but upon almost all his contemporaries who had been more favored than himself in gaining praise as poets. He was sufficiently enraged 'to run a muck, and tilt at all he met.' He produced his 'English Bards and Scotch Reviewers.' But his satire is violent, indiscriminating, and undignified. It is full of the coarse common places of abuse, with little range of thought or allusion. His blows are random and ineffectual. There is not much, which has even the appearance of being characteristic of the individuals whom he assails. His

epithets, and accessory ideas, have often no relation to his main purpose. His attack on Jeffrey, in which he might be expected to put forth his strength, is, we presume, commonly regarded as neither witty nor powerful. Let us take another short passage, which is a fair specimen of the poem.

> Next view in state, proud prancing on his roan,
> The golden crested haughty Marmion,
> Now forging scrolls, now foremost in the fight,
> Not quite a felon, yet but half a knight,
> The gibbet or the field prepar'd to grace;
> A mighty mixture of the great and base.
> And think'st thou, Scott! by vain conceit perchance,
> On public taste to foist thy stale romance,
> Though Murray with his Miller may combine
> To yield thy muse just half a crown per line?
> No! when the sons of song descend to trade,
> Their bays are sear, their former laurels fade.
> Let such forego the poet's sacred name,
> Who rack their brains for lucre, not for fame;
> Low may they sink to merited contempt,
> And scorn remunerate the mean attempt!
> Such be their meed, such still the just reward
> Of prostituted Muse and hireling bard!
> For this we spurn Apollo's venal son,
> And bid a long 'good night to Marmion.'
> These are the themes that claim our plaudits now,
> These are the bards to whom the Muse must bow;
> While Milton, Dryden, Pope, alike forgot,
> Resign their hallow'd bays to Walter Scott.

It requires no great exercise of generosity to forgive such an attack. Byron had not the qualifications of a satirist. He wanted wit, facility of allusion, and quick perception of character. He wanted truth, or its substitute, probability, and just principles of taste and moral judgment. In the latter part of his life, he attempted this style of writing again, and produced a poem, called the Age of Bronze, which hardly emerged into notice. On the whole, perhaps, it is better than his first effort; but how far he had improved by age, may be judged of in some degree by its conclusion.

> But, tired of foreign follies, I turn home,
> And sketch the group—the picture 's yet to come.

My Muse 'gan weep, but ere a tear was spilt,
She caught Sir William Curtis in a kilt!
While thronged the chiefs of every Highland clan
To hail their brother, Vich Ian Alderman!
Guildhall grows Gael, and echoes with Erse roar,
While all the common Council cry, 'Claymore!'
To see proud Albyn's Tartan's as a belt
Gird the gross sirloin of a City Celt,
She burst into a laughter so extreme,
That I awoke—and lo! it was *no* dream!

Here, reader, will we pause;—if there 's no harm in
This first—you 'll have, perhaps, a second 'Carmen.'

Byron, in his first satire, talks of treading 'the path which Pope and Gifford trod before.' The question, whether he be equal to Gifford, is not worth discussing; but his resemblance to Pope is that of a 'satyr,' butting with his horns, to 'Hyperion with his glittering shafts of war.' The verses of Pope are vivid with meaning. Single words open a view of a train of thoughts, or throw a flash of light upon some striking image. There is a consistency in his conceptions of character, and in all the figures and epithets by which they are emblazoned, which makes us feel a conviction at once of the sincerity of the writer, and of the correctness of his perceptions. This conviction is, for the most part, just, for Pope was a conscientious satirist, and proud of his adherence to truth;

'Truth guards the poet, sanctifies his line,
And makes immortal, verse as mean as mine.'

It has contributed to make his verses immortal; for in satire, our natural sentiments require justice. The characters of most of those, against whom he directed his wit or his indignation, remain fixed in the memories of men, as he has drawn them. No poem of the kind can be compared in vigor and effect with that in which he made a common slaughter of the low, profligate, but, some of them, noted and mischievous writers of his times—

Δεινη δε κλαγγη γενετ' αργυρεοιο βιοιο.*

Its great fault is the gross indecency of some passages; but

* Dreadful was the clang of the silver bow.

the age, in which Pope wrote, was not civilised, like the present, by the influence of female taste and literature.

Byron's suppression of his 'English Bards and Scotch Reviewers' was no loss to his reputation, and little favor to those whom he had made the objects of his satire; for his attacks were not of a kind to be felt or remembered even by them, except as mere intended insults or expressions of ill will. He himself, however, appears to have looked back upon the work with considerable satisfaction; and alludes to it repeatedly in that poem, in which he gave the last exhibition of his character. He was, professedly, a warm admirer of Pope; and, in the latter years of his life, defended his poetical merit against the attack of Bowles; but there is hardly more of philosophical criticism in his defence, than in the writings of his opponent. His admiration of Pope was natural; not merely from a perception of the real power of that poet, but also from the circumstance, that he stood alone in his age, enjoying that preeminent distinction, to possess which, in some form or another, was Byron's strongest passion. There was a rank granted to Pope, which has hardly, if at all, been conceded to any other writer. He was looked up to as the moral and literary censor of his age. We are, at first view, struck with passages in his poetry, as written in a tone of great assumption, but when we examine the history of his life and writings, we find that he assumed no more than was conceded.

But, whatever might be the intrinsic merit of the 'English Bards and Scotch Reviewers,' still, a satire well versified, the production of a young, profligate nobleman, and abounding in personality, would find many readers and admirers. It soon ran through three editions, to the last of which was annexed a postscript, which is curious as a specimen of Lord Byron's character and wit; that character about which so much sentiment has been lavished, and that wit which has been thought so spirited and entertaining. The postscript was evidently written in a state of elation from the success of his work. He says,

'I have been informed, since the present edition went to the press, that my trusty and well beloved cousins, the Edinburgh Reviewers, are preparing a most vehement critique on my poor, gen-

tle, *unresisting* Muse, whom they have already so bedeviled with their ungodly ribaldry.

"Tantæne animis cœlestibus iræ."

'I suppose I must say of Jeffrey, as Sir Anthony Aguecheek saith; "An I had known he was so cunning of fence, I had seen him damned ere I had fought him." What a pity it is, that I shall be beyond the Bosphorus before the next number has passed the Tweed. But I yet hope to light my pipe with it in Persia.

'My northern friends have accused me, with justice, of personality towards their great literary Anthropophagus, Jeffrey; but what else was to be done with him and his dirty pack, who feed by 'lying and slandering,' and slake their thirst by 'evil speaking?' I have adduced facts already well known, and of Jeffrey's mind I have stated my free opinion, nor has he thence sustained any injury;—what scavenger was ever soiled by being pelted with mud? It may be said that I quit England because I have censured there, 'persons of honor and wit about town;' but I am coming back again, and their vengeance will keep hot till my return. Those who know me can testify, that my motives for leaving England are very different from fears, literary or personal; those who do not, may one day be convinced. Since the publication of this thing, my name has not been concealed; I have been mostly in London, ready to answer for my transgressions, and in daily expectation of sundry cartels; but, alas! "the age of chivalry is over," or, in the vulgar tongue, there is no spirit now-a-days.

'There is a youth ycleped Hewson Clarke, (subaudi, Esquire,) a sizer of Emmanuel college, and I believe a denizen of Berwick upon Tweed, whom I have introduced in these pages, to much better company than he has been accustomed to meet; he is, notwithstanding, a very sad dog, and for no reason, that I can discover, except a personal quarrel with a bear, kept by me at Cambridge, to sit for a fellowship, and whom the jealousy of his Trinity cotemporaries prevented from success, has been abusing me, and what is worse, the defenceless innocent abovementioned, in the Satirist, for one year and some months. I am utterly unconscious of having given him any provocation; indeed, I am guiltless of having heard his name till coupled with the Satirist. He has therefore no reason to complain, and I dare say that, like Sir Fretful Plagiary, he is rather *pleased* than otherwise. I have now mentioned all, who have done me the honor to notice me and mine, that is, my bear and my book, except the editor of the Satirist, who, it seems, is a gentleman, God wot! I wish he could impart a little of his gentility to his subordinate scribblers.'

All this Byron insisted upon publishing, though Mr Dallas, in an exercise of good sense and friendship, uncommon on his part, urged its suppression in the strongest terms.

The following passage, from Dallas' Recollections, relates to Lord Byron's character, feelings, and mode of life, about the period of which we are speaking.

'Very soon after this, the satire appeared in its new form, but too late for its author to enjoy his additional laurels before he left England. I was with him almost every day while he remained in London. Misanthropy, disgust of life, leading to scepticism and impiety, prevailed in his heart and embittered his existence. He had for some time past been grossly attacked in several low publications, which he bore, however, with more temper than he did the blind headlong assault on his genius by the Edinburgh Review. Unaccustomed to female society, he at once dreaded and abhorred it; and spoke of women, such I mean, as he neither dreaded nor abhorred, more as playthings than companions. As for domestic happiness he had no idea of it. "A large family," he said, "appeared like opposite ingredients mixed perforce in the same salad, and he never relished the composition." Unfortunately, having never mingled in family circles, he knew nothing of them; and, from being at first left out of them by his relations, he was so completely disgusted that he avoided them, especially the female part. "I consider," said he, "collateral ties as the work of prejudice, and not the bond of the heart, which must choose for itself, unshackled." It was in vain for me to argue that the nursery, and a similarity of pursuits and enjoyments in early life, are the best foundations of friendship and of love; and that to choose freely, the knowledge of home was as requisite as that of wider circles. In those wider circles he had found no friend, and but few companions, whom he used to receive with an assumed gaiety, but real indifference at his heart, and spoke of with little regard, sometimes with sarcasm. He used to talk of one young man, who had been his schoolfellow, with an affection, which he flattered himself was returned. I occasionally met this friend at his apartments, before his last excursion to Newstead. Their portraits, by capital painters, were elegantly framed, and surmounted with their respective coronets, to be exchanged. However, whether taught by ladies in revenge to neglect Lord Byron, or actuated by frivolous inconstancy, he gradually lessened the number of his calls and their duration. Of this, however, Lord Byron made no complaint, till the very day I went to take my leave of him, which was the one previous to his departure. I found him bursting with indignation. "Will you believe it," said he, "I have just met * * *, and asked him to come and sit an hour

with me; he excused himself; and what do you think was his excuse? He was engaged with his mother and some ladies to go shopping! And he knows I set out tomorrow, to be absent for years, perhaps never to return! Friendship!—I do not believe I shall leave behind me, yourself and family excepted, and perhaps my mother, a single being who will care what becomes of me."

'At this period of his life his mind was full of bitter discontent. Already satiated with pleasure, and disgusted with those companions who have no other resource, he had resolved on mastering his appetites; he broke up his harams; and he reduced his palate to a diet the most simple and abstemious; but the passions of the heart were too mighty, nor did it ever enter his mind to overcome *them;* resentment, anger, and hatred, held full sway over him, and his greatest gratification, at that time, was in overcharging his pen with gall, which flowed in every direction, against invividuals, his country, the world, the universe, creation, and the Creator.'

His misfortunes in regard to his early friends, according to Medwin, were not confined to the estrangement of their affections. The latter represents him as saying; 'Almost all the friends of my youth are dead; either shot in duels, ruined, or in the galleys.' On another occasion Byron said to him.

'I was at this time a mere Bond street lounger; a great man at lobbies, coffee, and gambling houses; my afternoons were passed in visits, luncheons, lounging and boxing—not to mention drinking! If I had known you in early life, you would not have been alive now. I remember Scrope Davies, H——, and myself, clubbing £19, all we had in our pockets, and losing it at a hell in St James's-street, at chicken-hazard, which may be called *fowl;* and afterwards getting drunk together till H. and S. D. quarrelled. Scrope afterwards wrote to me for my pistols to shoot himself; but I declined lending them, on the plea that they would be forfeited as a deodand. I knew my answer would have more effect than four sides of prosing.

'Don't suppose, however, that I took any pleasure in all these excesses, or that parson A. K. or W——, were associates to my taste. The miserable consequences of such a life are detailed at length in my Memoirs. My own master at an age when I most required a guide, and left to the dominion of my passions when they were the strongest, with a fortune anticipated before I came into possession of it, and a constitution impaired by early excesses, I commenced my travels in 1809, with a joyless indifference to a world that was all before me.'

Leaving England, as mentioned in the last extract, in his twentysecond year, Lord Byron was absent for two years. Of his travels, one may find a sort of journal in the first two cantos of Childe Harold. During his absence, his mother seems to have been almost his only correspondent. There are twenty letters to her, which fill about fifty duodecimo pages. In giving them to Mr Dallas, the latter reports him to have said, 'some day or other they will be curiosities.' Considering what might have been expected from the writer, perhaps, they are such; for these and the other letters, published by Dallas, as the 'Correspondence of Lord Byron,' form a collection, as intrinsically trifling and worthless, as was ever given to the world. Their value, if any, is accidental, arising from the illustration which they afford of the mind and character of their author.

On his return from his travels, he published the first two cantos of Childe Harold. Of the general level of the poetry in this production, the following stanzas are a fair specimen.

So deem'd the Childe, as o'er the mountains he
Did take his way in solitary guise;
Sweet was the scene, yet soon he thought to flee,
More restless than the swallow in the skies;
Though here awhile he learn'd to moralise,
For Meditation fix'd at times on him;
And conscious Reason whisper'd to despise
His early youth, misspent in maddest whim;
But as he gaz'd on truth his aching eyes grew dim.

To horse! to horse! he quits, forever quits
A scene of peace, though soothing to his soul;
Again he rouses from his moping fits,
But seeks not now the harlot and the bowl.
Onward he flies, nor fix'd as yet the goal
Where he shall rest him on his pilgrimage;
And o'er him many changing scenes must roll
Ere toil his thirst for travel can assuage,
Or he shall calm his breast, or learn experience sage.

Yet Mafra shall one moment claim delay
Where dwelt of yore the Lusian's luckless queen;
And church and court did mingle their array,
And mass and revel were alternate seen;

Lordlings and freres—ill sorted fry I ween!
But here the Babylonian whore hath built
A dome, where flaunts she in such glorious sheen,
That men forget the blood which she hath spilt,
And bow the knee to pomp that loves to varnish guilt.

O'er vales that teem with fruits, romantic hills,
(Oh that such hills upheld a free-born race!)
Whereon to gaze the eye with joyaunce fills,
Childe Harold wends through many a pleasant place.
Though sluggards deem it but a foolish chase,
And marvel men should quit their easy chair,
The toilsome way, and long, long league to trace,
Oh! there is sweetness in the mountain air,
And life, that bloated Ease can never hope to share.

More bleak to view the hills at length recede,
And, less luxuriant, smoother vales extend;
Immense horizon-bounded plains succeed!
Far as the eye discerns, withouten end,
Spain's realms appear whereon her shepherds tend
Flocks, whose rich fleece right well the trader knows.
Now must the pastor's arm his lambs defend;
For Spain is compass'd by unyielding foes,
And all must shield their all, or share Subjection's woes.

Where Lusitania and her sister meet,
Deem ye what bounds the rival realms divide?
Or ere the jealous queens of nations greet,
Doth Tayo interpose his mighty tide?
Or dark Sierras rise in craggy pride?
Or fence of art, like China's vasty wall?—
Ne barrier wall, ne river deep and wide,
Ne horrid crags, nor mountains dark and tall,
Rise like the rocks that part Hispania's land from Gaul:

But these between a silver streamlet glides,
And scarce a name distinguisheth the brook,
Though rival kingdoms press its verdant sides;
Here leans the idle shepherd on his crook,
And vacant on the rippling waves doth look,
That peaceful still 'twixt bitterest foeman flow;
For proud each peasant as the noblest duke;
Well doth the Spanish hind the difference know
'Twixt him and Lusian slave, the lowest of the low.

The above extract is from the first canto, what follows is from the second.

Fair Greece! sad relic of departed worth!
Immortal, though no more; though fallen, great!
Who now shall lead thy scatter'd children forth,
And long-accustom'd bondage uncreate?
Not such thy sons who whilome did await,
The hopeless warriors of a willing doom,
In bleak Thermopylæ's sepulchral strait—
Oh! who that gallant spirit shall resume,
Leap from Eurotas' banks, and call thee from the tomb?

Spirit of Freedom! when on Phyle's brow
Thou sat'st with Thrasybulus and his train,
Couldst thou forebode the dismal hour which now
Dims the green beauties of thine Attic plain?
Not thirty tyrants now enforce the chain,
But every carle can lord it o'er thy land;
Nor rise thy sons, but idly rail in vain,
Trembling beneath the scourge of Turkish hand,
From birth till death enslaved; in word, in deed, unmann'd.

In all save form alone, how chang'd! and who
That marks the fire still sparkling in each eye,
Who but would deem their bosoms burn'd anew
With thy unquenched beam, lost liberty!
And many dream withal the hour is nigh
That gives them back their fathers' heritage;
For foreign arms and aid they fondly sigh,
Nor solely dare encounter hostile rage,
Or tear their name defil'd from Slavery's mournful page.

Hereditary bondsmen! know ye not
Who would be free themselves must strike the blow?
By their right arms the conquest must be wrought.
Will Gaul or Muscovite redress ye? no!
True, they may lay your proud despoilers low,
But not for you will Freedom's altars flame.
Shades of the Helots! triumph o'er your foe!
Greece! change thy lords, thy state is still the same;
Thy glorious day is o'er, but not thine years of shame.

When riseth Lacedemon's hardihood,
When Thebes Epaminondas rears again,
When Athens' children are with arts endued,
When Grecian mothers shall give birth to men,

Then may'st thou be restored; but not till then.
A thousand years scarce serve to form a state!
An hour may lay it in the dust; and when
Can man its shattered splendor renovate,
Recall its virtues back, and vanquish Time and Fate!

And yet how lovely in thine age of wo,
Land of lost gods and godlike men! art thou!
Thy vales of evergreen, thy hills of snow
Proclaim thee Nature's varied favorite now.
Thy fanes, thy temples to thy surface bow,
Commingling slowly with heroic earth,
Broke with the share of every rustic plough;
So perish monuments of mortal birth,
So perish all in turn, save well recorded Worth.

These are long extracts. They have been given in the hope of their being read in connexion with the subsequent remarks. At no very distant time, verses such as these were regarded by many, as among the most admirable productions of the age. But, if we are not altogether mistaken, the principal difference between them, and prose too dull to find a reader, consists in the circumstance of their being written in stanzas. Some passages in these cantos rise above, and others fall below what we have quoted; for what is quoted is merely tame and prosaic, while the wit attempted, and the moral feeling discovered, are offensive. Passing over the lamentable parade of vulgar vice and common place infidelity, it may be asked whether sentiments such as the following, from the Albanian song, introduced into the second canto, are adapted to produce any feeling but disgust; or what is the purpose of putting such thoughts into rhyme.

I ask not the pleasures which riches supply,
My sabre shall win what the feeble must buy;
Shall win the young bride with her long flowing hair,
And many a maid from her mother shall tear.

I love the fair face of the maid in her youth,
Her caresses shall lull me, her music shall soothe;
Let her bring from the chambers her many toned lyre,
And sing us a song on the fall of her sire.

But in these first two cantos, there is sometimes an energy of conception and expression, which their author, afterwards,

displayed more fully. They were accompanied, likewise, with a number of minor poems, some of which are among the most powerful and interesting of his productions. Such are the verses beginning—

O lady when I left the shore,
The distant shore which gave me birth,
I hardly thought to grieve once more,
To quit another spot on earth.

Such, too, are the verses addressed to Thyrza, or which apparently relate to the same real or imaginary object of affection.

And didst thou not, since death for thee
Prepared a light and pangless dart,
Once long for him thou ne'er shalt see,
Who held, and holds thee in his heart?
Oh! who like him had watch'd thee here?
Or sadly mark'd thy glazing eye,
In that dread hour ere death appear,
When silent Sorrow fears to sigh,
Till all was past? But when no more
'Twas thine to reck of human wo,
Affection's heart drops, gushing o'er,
Had flow'd as fast—as now they flow

* * * *

Ours was the glance none saw beside;
The smile none else might understand;
The whisper'd thought of hearts allied,
The pressure of the thrilling hand;
The kiss so guiltless and refined
That Love each warmer wish forbore;
Those eyes proclaim'd so pure a mind,
Even passion blush'd to plead for more.
The tone that taught me to rejoice,
When prone, unlike thee, to repine;
The song, celestial from thy voice,
But sweet to me from none but thine;

* * * *

But if in worlds more blest than this
Thy virtues seek a fitter sphere,
Impart some portion of thy bliss,
To wean me from mine anguish here.

Teach me—too early taught by thee!
To bear, forgiving and forgiven;
On earth thy love was such to me;
It fain would form my hope in heaven!

Other passages might be quoted equally touching. No one had more power than Byron, to utter that thrilling voice, which speaks a mind desolate, but unbroken. In these poems it is connected with the most passionate and tender expressions of affection for the dead, and with a moral purity and elevation of sentiment, which he has scarcely elsewhere discovered. But even these poems are polluted by his libertinism. With singular perversion of taste, he has thought it worth while to find a place for a stanza from one of his earlier productions, which has been already quoted,

Though gay companions o'er the bowl,
Dispel awhile the sense of ill;
Though pleasure fire the maddening soul,
The heart—the heart is lonely still.

It may be objected, likewise, that the general tone of feeling is too much that of one,

Who will not look beyond the tomb,
And dares not hope for rest before.

There were various circumstances, which contributed to the popularity of this publication. It was written by a young nobleman, a circumstance, which, if it possessed any merit, was alone sufficient to give it celebrity. Its author was, or soon became, a man of the first notoriety in the highest circles of fashion. He had travelled, where few Englishmen had travelled before, having visited Ali Pacha in his den. The poem of Childe Harold was thought to shadow forth his own wayward, gloomy, wicked, but very interesting character. It contained much concerning Greece; and the 'woods that wave o'er Delphi's steep,' the 'isles that crown the Ægean deep,' the 'streams that wander in eternal light,' are poetical in their very names; and of these names there is a profusion in the second canto of Childe Harold. The favorable judgment of Gifford had been secured by the most lavish flattery in Byron's former poetry; and it is strange, and

almost ludicrous, to observe the importance attached to his critical opinions, both by Mr Dallas and Lord Byron. The latter, in one of his letters to Mr Dallas, says, 'as Gifford has ever been my Magnus Apollo, any approbation such as you mention, would, of course, be more welcome than, "all Bokhara's vaunted gold, than all the gems of Samarkand."' In a subsequent letter, however, he seems to have viewed the matter in a juster light. He says; 'his praise is nothing to the purpose. What could he say? He could not spit in the face of one, who had praised him in every possible way.' But, without doubt, the consideration in which Gifford was held, depended much upon the circumstance of his being, at that time, the editor of the Quarterly Review. In addition to all this, the editor of the Edinburgh Review, upon the appearance of this publication, notwithstanding he had been so bitterly assailed by its author, took occasion to show his magnanimity, his contempt, or his policy, in an article in which it was highly praised, though containing passages not adapted to gratify one, to whom celebrity, in any shape, was not acceptable.

Among the minor faults of Childe Harold, may be mentioned the puerile affectation of its title; and the occasional introduction of obsolete words into a poem essentially modern in its character. In this, as in Byron's other works, the language is not always grammatical, nor are words always used in a correct meaning. Some passages are obscure from indistinctness of thought, and others from awkwardness of expression In Childe Harold there is another fault, characteristic likewise of some of Lord Byron's other writings. It is the want of coherence, of mutual relation of parts, and of general purpose in the poem. His transitions are singularly abrupt and harsh. The train of thought, or feeling, in which we had been indulging, is snapt without warning; and something wholly foreign from it comes in succession. The associations, which introduce one part after another, seem often to be purely accidental. Subjects, which have no natural connexion, are thus brought together in strange confusion. The effect is almost as bewildering and unpleasant, as if a volume of sonnets were printed as a single work. It is a poem, which resembles the walls of some modern erection, composed in part of ancient marbles,—friezes, inscriptions,

and relievos,—placed without order. Lord Byron 'told me,' says Medwin, 'that when he wrote, he neither knew nor cared what was coming next. This,' adds Medwin, 'is the true inspiration of the poet.' The doctrine is comfortable for those who are aspiring to be poets; but, as yet, it is supported only by the practice of Lord Byron, and the authority of Captain Medwin.

Of the life led by Lord Byron in London, after the publication of the first two cantos of Childe Harold, there are statements and details enough in Dallas and Medwin. Courted by trifling and profligate men, and by fashionable and dissolute women, he indulged, without restraint of any sort, in the vices to which he was exposed. The view that is given of fashionable society in London, after every allowance which the case may require, is such as should make us thankful, that we, of the new world, are free from its folly and impurity. He who chooses to look for anything in that poem, may find a commentary upon the accounts of Dallas and Medwin, in some of the cantos of Don Juan. 'I had the reputation,' said Byron, 'of being a great rake, and was a great dandy;' and of this sort of reputation, he is reported to have been as vain, as of the fame of being a great poet. In January, 1815, he was married to Miss Millbank. The next year, he deserted his wife, and his native land. He subsequently inherited a fortune, as the husband of the lady whom he had abandoned;* and seems to have felt no hesitation about regarding the legal title which he had to it, as giving him a moral right to its possession. He continued to persecute Lady Byron after their separation. He dragged her before the world in his various works, for the sake of changing, if possible, the strong current of public sentiment, and directing it against her. He endeavored to represent himself as the one, who 'had suffered things to be forgiven,'

* Medwin reports him to have said, on two different occasions, that when he paid back his wife's portion, he added a sum of equal amount, viz. £10,000. This is stated to be false by Lord Byron's friend, the Westminster Reviewer; who likewise contradicts another account of Byron's generosity in voluntarily relinquishing the half of Lady Noel's fortune after her death. According to Medwin, he said, 'I might have claimed all the fortune for my life, if I had chosen to have done so.' One may reasonably doubt whether all this incorrectness is to be charged on Medwin.

bitter wrongs; but whose heavy curse should be forgiveness.* At the same time, with the disregard of consistency, which marks his writings and character, he announced that he married without love; that even while he stood at the altar, the vision of another came over his mind, and changed his countenance; and that while he 'spoke the fitting vows, he heard not his own words.'† Again, he represented his wife as teaching his child to hate him as a duty;‡ and in his Don Juan, he directed against her all the power of ridicule, which he possessed.

The necessary effect of Lord Byron's course of life was to deprave and harden his heart, and to deepen the natural gloom of his temper. His thoughts seem to have been, not unfrequently, directed to the subject of religion. He regarded its truths with doubt, with dread, and with defiance. Soon after his return from abroad, his professed infidelity led Mr Dallas to endeavor to produce an impression upon his mind favorable to Christianity, or to what the former regarded as Christianity. It is difficult, however, to award the praise which such an attempt might deserve, considering the deplorable manner in which it was executed. It is melancholy to know, that a professed defender of our religion addressed a mind like Lord Byron's, with language and arguments such as follow.

'I compare such philosophers as you, and Hume, and Gibbon, (—I have put you into company that you are not ashamed of—) to mariners wrecked at sea, buffeting the waves for life, and at last carried by a current towards land, where, meeting with rugged and perpendicular rocks, they decide that it is impossible to land, and, though some of their companions point out a firm beach, exclaim—"Deluded things! there can be no beach, unless you melt down these tremendous rocks—no, our ship is wrecked, and to the bottom we must go—all we have to do is to swim on, till Fate overwhelms us."—You do not deny the depravity of the human race—well, that is one step gained—it is allowing that we are cast away—it is, figuratively, our shipwreck. Behold us, then, all scattered upon the ocean, and *all* anxious to be saved—all, at least, willing

* See Childe Harold, Cant. IV. st. 135.

† See 'The Dream.'

‡ 'And though dull hate as duty should be taught,' &c. Childe Harold, Cant. III. st. 117.

to be on *terra firma;* the Humes, the Gibbons, the Voltaires, as well as the Newtons, the Lockes, the Johnsons, &c. The latter make for the beach; the former exhaust their strength about the rocks, and sink, declaring them insurmountable. The incarnation of a Deity! vicarious atonement! the innocent suffering for the guilty! the seeming inconsistencies of the Old Testament, and the discrepancies of the New! &c. &c.! are rocks which I am free to own are not easily melted down; but I am certain that they may be viewed from a point on the beach in less deterring forms, lifting their heads into the clouds indeed, yet adding sublimity to the prospect of the shores on which we have landed, and by no means impeding our progress upon it. In less metaphorical language, my lord, it appears to me, that freethinkers are generally more eager to strengthen their objections than solicitous for conviction; and prefer wandering into proud inferences, to pursuing the evidences of facts; so contrary to the example given to us in all judicial investigations, where testimony precedes reasoning, and is the ground of it. The corruption of human nature being self evident, it is very natural to inquire the cause of that corruption, and as natural to hope that there may be a remedy for it. The cause and the remedy have been stated.

'How are we to ascertain the truth of them? Not by arguing mathematically, but by first examining the proofs adduced; and if they are satisfactory, to use our reasoning powers, as far as they will go, to clear away the difficulties, which may attend them.' pp. 88—90.

It is easy to imagine, how 'such a philosopher' as Lord Byron, would be affected by such rhetoric and such reasoning. It tended, without doubt, more than anything else, which could have been written by a man of Mr Dallas's powers, to strengthen him in his skepticism. Mr Dallas proceeds to relate.

'Lord Byron noticed, indeed, what I had written, but in a very discouraging manner. He would have nothing to do with the subject,—we should all go down together, he said, "So," quoting St Paul, "let us eat and drink, for tomorrow we die;"—he felt satisfied in his creed, for it was better to sleep than to wake.' p. 90.

Such as we have seen being the character of Lord Byron, it could not be expected, that his poetry would have much tendency to raise and improve mankind, much moral beauty, or much that could be agreeable to our higher and purer feelings. It has not. The energy of his passions, and his

intense egotism, made him a poet. They demanded for their expression the vehement and piercing tones, which are sometimes uttered in his verses. He excels in the exhibition of pride, resolution, obstinacy, and solitary self dependence. No one could express with more force the corroding reflections of a perverted and degraded mind; nor add to the bitterness with which he pours out his loathing of life, and what were regarded by him as its purposes. He puts forth the whole strength of his soul in giving a voice to fierce and wicked passions, in the agony of their self inflicted torment. There are few passages, for instance, in his poetry, more powerful than the confession of the Giaour.

Now nothing left to love or hate,
No more with hope or pride elate,
I 'd rather be the thing that crawls
Most noxious o'er a dungeon's walls,
Than pass my dull, unvarying days,
Condemn'd to meditate and gaze.

Yet sometimes, with remorse, in vain
I wish she had not loved again.
She died—I dare not tell thee how;
But look—'tis written on my brow!
There read of Cain the curse and crime,
In characters unworn by time.

He died too in the battle broil.

* * * * * *

I search'd, but vainly search'd, to find
The workings of a wounded mind;
Each feature of that sullen corse
Betray'd his rage, but no remorse.
Oh, what had Vengeance given to trace
Despair upon his dying face!
The late repentance of that hour,
When Penitence hath lost her power
To tear one terror from the grave,
And will not soothe, and cannot save.

And she was lost—and yet I breathed,
But not the breath of human life;
A serpent round my heart was wreathed,
And stung my every thought to strife.

Alike all time, abhorr'd all place,
Shuddering I shrunk from Nature's face,
Where every hue that charm'd before
The blackness of my bosom wore.
The rest thou dost already know,
And all my sins, and half my wo.

Tell me no more of fancy's gleam,
No, father no, 'twas not a dream;
Alas! the dreamer first must sleep,
I only watch'd, and wish'd to weep;
But could not, for my burning brow
Throbb'd to the very brain as now:
I wish'd but for a single tear,
As something welcome, new, and dear,
I wish'd it then, I wish it still,
Despair is stronger than my will.
Waste not thine orison, despair
Is mightier than thy pious prayer;
I would not, if I might, be blest,
I want no paradise, but rest.

A great part of what is most forcible in his poetry consists in the display of his own passions, indulged in imagination without restraint. Throughout almost the whole of it, there is an exhibition, direct or indirect, of his personal feelings and character, either such as they really were, or most commonly modified in such a manner, as seemed to him best adapted to give others that conception of him, which he wished them to entertain; as of an individual, who, as he describes one of his impersonations of himself, his Lara,

———soared beyond, or sunk beneath,
The men with whom he felt condemned to breathe,
And longed by good or ill to separate
Himself from all, who shared his mortal state.

The characteristics described, mark strongly all his higher poems, such as the last two cantos of Childe Harold, Manfred, the Corsair, and Lara. When the 'strong vigor' of his egotism was not 'working at the root,' his poetry is often imperfectly conceived and expressed, tame, extravagant, sometimes heavily elaborate, and sometimes employed about unfit subjects. Examples of one or another of these faults might

be quoted, from the first two cantos of Childe Harold, from that portion of the Giaour, which precedes the confession, the Bride of Abydos, the Siege of Corinth, Parasina, the Hebrew Melodies, and some of those productions of his latter years, which, not being remarkable for any extraordinary exhibition of depravity, even his name could not force into notice. Such passages, indeed, may be found in all his writings. The following are from the Siege of Corinth, neither one of the best, nor one of the worst of his poems.

> There is a temple in ruin stands,
> Fashion'd by long forgotten hands;
> Two or three columns, and many a stone,
> Marble and granite, with grass o'ergrown!
> Out upon Time! it will leave no more
> Of the things to come than the things before!
> Out upon Time! who for ever will leave
> But enough of the past for the future to grieve
> O'er that which hath been, and o'er that which must be;
> What we have seen our sons shall see;
> Remnants of things that have pass'd away,
> Fragments of stone, rear'd by creatures of clay!

The tame description in the first four lines, the triteness and exaggeration of the sentiment which follows, the strange exclamation, 'Out upon time,' and the tripping versification, render the whole passage almost burlesque.

> And he saw the lean dogs, beneath the wall,
> Hold o'er the dead their carnival,
> Gorging and growling o'er carcass and limb;
> They were too busy to bark at him!
> From a Tartar's skull they had stripp'd the flesh,
> As ye peel the fig when its fruit is fresh;
> And their white tusks crunch'd o'er the whiter skull
> As it slipp'd through their jaws, when their edge grew dull,
> As they lazily mumbled the bones of the dead,
> When they scarce could rise from the spot where they fed.
>
> * * * * * *
>
> The scalps were in the wild dog's maw,
> The hair was tangled round his jaw.

If this style of writing, in which the disgusting and the loathsome are assumed as proper subjects for description, should become popular, and we have lately had much of it

both in poetry and prose, we may expect before long to be entertained, with striking poetical details of the symptoms and sufferings of the Elephantiasis or Plica Polonica.

> The steeds are all bridled, and snort to the rein;
> Curved is each neck, and flowing each mane;
> White is the foam of their champ on the bit;
> The spears are uplifted; the matches are lit;
> The cannon are pointed, and ready to roar,
> And crush the wall they have crumbled before;
> Forms in his phalanx each Janizar;
> Alp at their head; his right arm is bare,
> So is the blade of his scimitar.

This, and some of the passages which follow it, have the air of being written in sport, as examples for a new treatise on the Bathos.

> Nothing there, save death, was mute;
> Stroke, and thrust, and flash, and cry
> For quarter, or for victory,
> Mingle there with the volleying thunder,
> Which makes the distant cities wonder
> How the sounding battle goes,
> If with them, or for their foes;
> If they must mourn, or may rejoice
> In that annihilating voice,
> Which pierces the deep hills through and through
> With an echo dread and new;
> You might have heard it, on that day,
> O'er Salamis and Megara;
> (We have heard the hearers say,)
> Even unto Piræus bay.

> There stood an old man—his hairs were white,
> But his veteran arm was full of might;
> So gallantly bore he the brunt of the fray,
> The dead before him, on that day,
> In a semicircle lay.

To return, however, to Lord Byron's more powerful poetry, it may be observed, that though his feelings and passions were in their combination and general character, such as to repel the sympathy of the better part of mankind, yet there are passages of great power in which some personal emotion is expressed, without offence to moral sentiment.

Once more upon the waters! yet once more!
And the waves bound beneath me as a steed
That knows his rider. Welcome to their roar!
Swift be their guidance, whereso'er it lead!
Though the strain'd mast should quiver as a reed,
And the rent canvass fluttering strew the gale,
Still must I on; for I am as a weed,
Flung from the rock, on Ocean's foam, to sail
Where'er the surge may sweep, the tempest's breath prevail.

There is something glorious in the energy, which can regard the ocean as a managed steed, welcome its roar, and abandon itself to the storm; and the feeling which this is adapted to excite, is rendered deeper by the accompanying expression of suffering and solitariness.

The two last cantos of Childe Harold display much higher poetical powers, than the two preceding. Their author, likewise, has chosen to exhibit his character under a somewhat different and less unamiable aspect. There is more of moral feeling; there is, sometimes, even an approach to religious sentiment.

All heaven and earth are still—though not in sleep,
But breathless, as we grow when feeling most;
And silent, as we stand in thoughts too deep;—
All heaven and earth are still; from the high host
Of stars, to the lull'd lake and mountain coast,
All is concentred in a life intense,
Where not a beam, nor air, nor leaf is lost,
But hath a part of being, and a sense
Of that which is of all Creator and defence.

The admiration and flattery which he had received, the court which had been paid him, the real kindness, he had experienced, the readiness of every one to allow his claims to their full extent, and to forget his offences, and the high rank which he had attained as a popular writer, had all contributed to soften the asperity of his passions, and to take off the edge of his misanthropy. At the same time, when in the full sunshine of favor, he had darkened his own prospects, he had, by his misconduct, separated himself from society and from his country, and become a just object of general reprobation. He had, through his evil passions, humbled himself even in the eye of the world. He could not but feel his

situation ; and he appears, likewise, to have felt something of compunction, and to have admitted the entrance of better and more serious thoughts, than those with which he had been familiar. It was not for one so circumstanced to assume a tone of defiance, and to talk, very broadly, of contemning his fellow men ; for society had passed on him a sentence of exile ; and he could not glory in what had become an involuntary separation. The world, however, was still wooing him back to its favor ; he was still ' Begged to be glad, entreated to aspire ;' and to secure that favor, which was his life, he was stimulated to a more splendid exertion of his powers, and led to accommodate himself more to the moral sentiments of mankind. The last two cantos of Childe Harold, therefore, take precedence of his other works, and afford a fair example of his great powers, and of some of his great defects as a poet.

His real character, and his assumed poetical character, which was moulded upon the former, prevented him from feeling or expressing any very extended sympathy with his fellowmen. He could not be a disinterested sharer in their joys. He had no power of throwing a poetic charm over common scenes and objects, the common interests and hopes of life. He was as little able to compose L'Allegro, or Il Penseroso, as the Analogy of Butler. He professed to regard with contempt the ordinary purposes and passions of men, and those powers, which are displayed in their gratification and accomplishment. He felt no enthusiasm in contemplating the energy of high and self denying virtue. He disbelieved, or affected to disbelieve, its existence. Above all, he was destitute of that faith and those hopes, which connecting man, in intimate union, with the unseen and the infinite, raise him not less as an intellectual and imaginative, than as a moral, being ; and present him under those relations, through which alone he becomes an object of deep and permanent interest.

Some scenes, however, the gloomy character of Byron gave him power to conceive strongly ; and with some feelings, it enabled him to sympathise. The distant roar of cannon breaking upon the gaiety of the young and the beautiful, heard first in silence and suspense, and then calling away the devoted to battle and death ; the terror and agony of such a parting ; and the unavailing lamentation over those snatched

from life, when life is in its bloom and promise, were subjects suited to his temper and powers. The latter, accordingly, are displayed in all their force throughout that passage, which no one who has read it can forget, beginning,

> There was a sound of revelry by night,
> And Belgium's capital had gathered then
> Her Beauty and her Chivalry.

In his description of the sorrow of those who mourn for the dead, gloomy and striking images are accumulated, with a profusion unusual in his poetry; for in general he has more of passion and strong conception, than of that power of mind, which apprehends resemblances and illustrations, imparting a moral type to material things.

> They mourn, but smile at length; and, smiling, mourn:
> The tree will wither long before it fall;
> The hull drives on, though mast and sail be torn;
> The roof tree sinks, but moulders on the hall,
> In massy hoariness; the ruin'd wall
> Stands when its wind worn battlements are gone;
> The bars survive the captive they enthral;
> The day drags through though storms keep out the sun;
> And thus the heart will break, yet brokenly live on;
>
> Even as a broken mirror, which the glass
> In every fragment multiplies; and makes
> A thousand images of one that was,
> The same, and still the more, the more it breaks;
> And thus the heart will do which not forsakes,
> Living in shatter'd guise, and still, and cold,
> And bloodless, with its sleepless sorrow aches,
> Yet withers on till all without is old,
> Showing no visible sign, for such things are untold.

It was in the same spirit, and with equal power, that he had already described the death of Lara, and the agony of Kaled.

> A breathing but devoted warrior lay;
> 'Twas Lara bleeding fast from life away.
> His follower once, and now his only guide,
> Kneels Kaled watchful o'er his welling side,
> And with his scarf would staunch the tides that rush,
> With each convulsion, in a blacker gush;

And then, as his faint breathing waxes low,
In feebler, not less fatal trickling flow;
He scarce can speak, but motions him 'tis vain,
And merely adds another throb to pain.
He clasps the hand that pang which would assuage,
And sadly smiles his thanks to that dark page,
Who nothing fears, nor feels, nor heeds, nor sees,
Save that damp brow which rests upon his knees;
Save that pale aspect, where the eye, though dim,
Held all the light that shone on earth for him.

That deep sense of the quietness, beauty, and still sublimity of nature, which is professed so strongly in the last two cantos of Childe Harold, seems rather assumed than real. It does not appear to be, as their author professes, a true 'love,' if such may exist, 'of earth only for its earthly sake;' but rather a factitious sentiment, intended to strengthen, by contrast, the impression which he wished to give of his indisposition for human converse. He would have it thought, that he was so separated in character from his fellowmen, that though he 'had filed' (that is, defiled) 'his mind,' and brought it nearer to their level, still his soul could not bear to hold communion with them, and fled from their intercourse to the solitudes of nature. 'To me,' he tells us,

'High mountains are a feeling, but the hum
Of human cities torture;'

though, in fact, they were his chosen places of residence. Regarded in any other light, the sentiment of which we are speaking was inconsistent with his character. We accordingly find that much of the language, in which it is expressed, is misty and unmeaning, artificial and extravagant.

Ye stars! that are the poetry of heaven!
If in your bright leaves we would read the fate
Of men and empires,—'tis to be forgiven,
That in our aspirations to be great,
Our destinies o'erleap their mortal state,
And claim a kindred with you; for ye are
A beauty and a mystery, and create
In us such love and reverence from afar,
That fortune, fame, power, life, have named themselves a star.

No one, whose mind was really elevated and purified by the solemn grandeur of a midnight sky, would think of expressing his feelings by an allusion to the forgotten folly of astrology, or to the metaphorical uses of the word, star. To the latter, the last line may be conjectured to refer ; but one can hardly feel certain, that he has divined its meaning.

But in his descriptions of the loveliness of nature, there is sometimes great beauty.

> The morn is up again, the dewy morn,
> With breath all incense, and with cheek all bloom,
> Laughing the clouds away with playful scorn,
> And living as if earth contained no tomb,—
> And glowing into day ; we may resume
> The march of our existence.

There are few passages in poetry more richly colored than the following.

> The Moon is up, and yet it is not night—
> Sunset divides the sky with her—a sea
> Of glory streams along the Alpine height
> Of blue Friuli's mountains ; Heaven is free
> From clouds, but of all colors seems to be
> Melted to one vast Iris of the West,
> Where the Day joins the past Eternity ;
> While, on the other hand, meek Dian's crest
> Floats through the azure air—an island of the blest !
>
> A single star is at her side, and reigns
> With her o'er half the lovely heaven ; but still
> Yon sunny sea heaves brightly, and remains
> Roll'd o'er the peak of the far Rhætian hill,
> As Day and Night contending were, until
> Nature reclaim'd her order ;—gently flows
> The deep dyed Brenta, where their hues instil
> The odorous purple of a new born rose,
> Which streams upon her stream, and glass'd within it glows,
>
> Fill'd with the face of heaven, which, from afar,
> Comes down upon the waters ; all its hues,
> From the rich sunset to the rising star,
> Their magical variety diffuse ;
> And now they change ; a paler shadow strews
> Its mantle o'er the mountains ; parting day

Dies like the dolphin, whom each pang imbues
With a new color as it gasps away,
The last still loveliest, till—'tis gone—and all is gray.

Even in this passage, however, the construction is awkward and embarrassing, and the simile of a dying dolphin is disagreeable, both from its triteness, and from its want of moral harmony with the scene described.

But Byron's descriptions of nature, though they are gemmed with brilliant expressions, yet, taken each as a whole, are, for the most part, unsatisfactory and faulty. They have often the air of being written as a task. There is in his pictures, a want of clearness, of truth, and of a suitable disposition of the parts to each other. The description neither conveys distinct images of what is visible, nor a just impression of the emotions, which the scene is adapted to produce. There is sometimes an exaggeration of false sentiment, which shows a want of true perception and of natural feeling; as for instance in the passage about 'Clarens, sweet Clarens,' which was intended to be so very sweet; but in writing which the author mistook extravagance, and want of meaning for poetry; the key note of the whole being found in the following words—

Thy air is the young breath of passionate thought;
Thy trees take root in love.

The same want of real harmony of mind with the works of nature appears in his description of the cataract of Velino.

The roar of waters!—from the headlong height,
Velino cleaves the wave worn precipice;
The fall of waters! rapid as the light,
The flashing mass foams, shaking the abyss;
The hell of waters! where they howl and hiss,
And boil in endless torture; while the sweat
Of their great agony, wrung out from this
Their Phlegethon, curls round the rocks of jet,
That gird the gulf around, in pitiless horror set.

In aiming at sublimity, Byron here produces only conceptions of disgust and horror. He applies images of bodily torture, and muscular force and convulsion, to a subject to which they are wholly unsuitable. The waters of a cataract

are compared to living beings in an agony of pain. There is little external resemblance between their struggles, and the overwhelming rush of a torrent; and none between the feelings, which the one spectacle and the other are adapted to produce. The offensiveness of the passage is in some degree aggravated by the confusion of literal and metaphorical language, and by representing the waters as in a cold sweat.

Following those just quoted, there are, however, some lines which may remind one of the rich metaphorical language of Shakspeare. The spray of the torrent,

> With its unemptied cloud of gentle rain,
> Is an eternal April to the ground,
> Making it all one emerald.

These lines, however, are in no accordance with what precedes or follows. The turmoil of description is continued through several stanzas; but the real tameness of feeling, which runs through the whole, betrays itself in the concluding line of one of them;

> Look back!
> Lo! where it comes like an eternity,
> As if to sweep down all things in its tract,
> Charming the eye with dread,—a matchless cataract.

A passage relating to the Appenines, immediately follows the description of the cataract of Velino. It consists, with one exception, in a not very forcible dilation of the thought, that the author would have admired these mountains more, if he had not beheld others of greater sublimity. The following is a part—

> I have looked on Ida with a Trojan's eye,
> Athos, Olympus, Ætna, Atlas, made
> These hills seem things of lesser dignity.

The exception referred to, is a figure in the highest degree picturesque; 'lone Soracte's height'

> ———from out the plain,
> Heaves like a long swept wave about to break,
> And [which] on the curl hangs pausing.

The following is another specimen of Byron's powers of description, from Manfred.

> It is not noon—the sunbow's rays still arch
> The torrent with the many hues of heaven,
> And roll the sheeted silver's waving column
> O'er the crag's headlong perpendicular,
> And fling its lines of foaming light along,
> And to and fro, like the pale courser's tail,
> The giant steed, to be bestrode by Death,
> As told in the Apocalypse.

This passage, which has been admired, would be finer, if it were more intelligible. It is often easy to discover a writer's meaning, even where he does not express it correctly; but this is not the case with the lines before us. What is said is, that the sunbow's rays roll the waving column, and fling its lines of foaming light along; what was intended to be said, we cannot conjecture. It is clear, however, that the waterfall is first described as a column of sheeted silver arched by a rainbow; and, afterwards, compared to the

> Pale courser's tail,
> The giant steed [steed's], to be bestrode by Death.

But this does not seem to be the language of an accurate observer of nature. It may be doubted, whether the appearances supposed can coexist at the same point of view. At a distance from a waterfall, where its white foam, in apparently retarded motion, and spreading as it descends, is alone visible, the comparison may be admitted; but at such a distance, we see nothing of rainbows, or of sheeted silver, glittering in the sunbeams.

The effect of what is beautiful and grand in nature, depends so much upon the purest moral and religious associations, that he whose mind is destitute of these, can have but little sensibility to her power. It is nature, as animated by the imagination, and endued with moral life; it is nature, as peopled with real and imaginary inhabitants, whose joys and interests are blended with the visible scene before us; it is nature, as the work of God, penetrating us with a feeling of his love, and connecting us with his infinity; it is nature in her eternal magnificence, calling up images of what is past and what

is to come, and raising us above the passions of the present hour; it is nature thus contemplated, and thus acting upon us, that inspires the poet, and elevates the philosopher. There is no harmony between her and the misanthropist, the disbeliever in virtue, the man who is the slave of his lusts, or haunted by remorse, or harassed by bitter and angry passions; him who can talk of the 'skies' as 'raining plagues on men like dew.' It was with a very different character from that of Byron, that another poet thus expressed himself; 'I am growing fit, I hope, for a better world, of which the light of the sun is but a shadow; for I doubt not but God's works here are what come nearest to his works there; and that a true relish of the beauties of nature is the most easy preparation, and gentlest transition to an enjoyment of those of heaven.'* The want of real feeling, in many of the descriptions of Byron, is often not merely a deficiency, but makes itself felt as the cause of artificial sentiment, an unnatural straining after effect, and harsh and incongruous images.

But he has great vividness of conception, and great power of expression; and where the aspects of nature corresponded to the gloom and storminess of his own mind, there is sometimes a burst of poetry, which will never be excelled. The thunder storm among the Alps—every one recollects it.

> The sky is changed!—and such a change! Oh night,
> And storm, and darkness, ye are wondrous strong,
> Yet lovely in your strength, as is the light
> Of a dark eye in woman! Far along,
> From peak to peak, the rattling crags among,
> Leaps the live thunder! Not from one lone cloud,
> But every mountain now hath found a tongue,
> And Jura answers, through her misty shroud,
> Back to the joyous Alps, who call to her aloud!

Nothing can be more magnificent. There is here no imperfect personification. The mastery of the poet's spell is complete; and the thunder and the mountains are alive.

We may feel more fully the wonderful power of this passage, by comparing it with another description of the same

* This passage is from a letter of Pope to Miss M. Blount; one of those letters on which Bowles has founded a gross attack upon the morals of that eminent man. The defect of good sense, in Mr Bowles' reasoning on this subject, is almost as remarkable as his strange malignity against the dead.

kind, which has been, perhaps, more celebrated than any other, that of Virgil, in his first Georgic.

> Ipse Pater, mediâ nimborum in nocte, coruscâ
> Fulmina molitur dextrâ ; quo maxima motu
> Terra tremit ; fugere feræ ; et mortalia corda
> Per gentes humilis stravit pavor ; ille flagranti
> Aut Atho, aut Rhodopen, aut alta Ceraunia telo
> Dejicit ; ingeminant austri et densissimus imber ;
> Nunc nemora ingenti vento, nunc littora, plangunt.*

It may be curious to observe, that the superiority of the former passage arises, in part, from its greater conformity to nature. The thunder storm of Virgil, by which the whole earth is shaken, and mortal hearts prostrated with fear through the nations, is far too extensive and powerful in its effects. His description does not give us that feeling of reality, for the want of which no poetical language can compensate. In addition to this, Virgil's sole agent is Jupiter ; and we do not perceive why he acts. There is no moral character connected with the display of what may be called his physical power. The conception, for anything which appears, may be that of a capricious tyrant. But in the verses of Byron, the phenomena of nature are indued with forms of life, fully corresponding to the powerful impressions, which they are adapted to produce.

In the passage from Byron, it is true, that 'the light of a dark eye in woman,' is out of place, not being in accordance with the gigantic sublimity and force of the images, among which it is introduced. The description, likewise, is continued through another stanza of inferior merit, and which

* Of such a passage, it is vain to attempt to give a satisfactory translation The following is somewhat more literal than any other we have seen.

> Amid a night of storms, the Almighty Sire
> Wields the fierce thunder, his right arm on fire ;
> The huge earth trembles ; the wild beasts have fled ;
> Throughout the nations, men are bowed with dread.
> He, with his flaming dart, meanwhile strikes down
> The crest of Rhodope, or Athos' crown,
> Or the Ceraunian summits. The deep roar
> Of wind and rain redoubles. On the shore,
> The raving billows dash with ceaseless sound,
> And groaning forests answer far around.

concludes with an imagination, than which there is scarcely anything more burlesque in his Beppo or Don Juan—

> ———and now the glee
> Of the loud hills shakes with their mountain mirth,
> As if they did rejoice o'er a young earthquake's birth.

The disproportion and incongruity between the powers of Byron's mind, and especially the want of strong moral sentiment, corresponding to and sustaining the vigor of his conceptions, appear equally in other passages of his writings, as in his descriptions of nature. His force is sometimes that of a blind Cyclops, aimless and purposeless. Without religious faith, regarding himself and others as mere beings of this world, taking pleasure in representing himself as degraded and miserable, and his fellowmen as creatures with whom he was unwilling to be ranked, he excluded from his poetry all the infinite variety of thoughts and feelings, which belong to the higher part of our nature. He did not recognise those great truths, with which all just sentiments are connected. In his mind, the source of intellectual day was darkened, and he perceived not the beautiful coloring, and the ever varying lights and shadows, which it spreads over the objects of thought and imagination. The skepticism of a depraved heart is not inconsistent with the vehement expression of strong passions, or of deep gloom; but it is inconsistent with all generous and invigorating purposes and sentiments, and with all those emotions, which are most sublime and ennobling. The poetry of Byron is the poetry of earth only; where it is not, as in his Cain, the poetry of hell. His mind, strongly acted upon by a few objects, reacted strongly upon them. But the sphere within which his intellect exerted itself was narrow. Scarcely any writer has so much of what is essentially repetition. Every one begins to grow weary at last of being told of his misanthropy and his misery, his passions, and his pride, the worthlessness of man and the worthlessness of life.

From the causes which have been mentioned, there is often a striking contrast between the grandeur of Byron's conceptions, and the poverty and deadness of the sentiment, with which they are connected. The latter resembles some worthless corpse, lying in state, surrounded by the insignia

of nobility, and with banners hanging over it. Let us take, for example, one of his most striking passages.

> Oh Rome! my country! city of the soul!
> The orphans of the heart must turn to thee,
> Lone mother of dead empires! and control
> In their shut breasts their petty misery.
> What are our woes and sufferance? Come and see
> The cypress, hear the owl, and plod your way
> O'er steps of broken thrones and temples, Ye!
> Whose agonies are evils of a day—
> A world is at our feet as fragile as our clay.
>
> The Niobe of nations! there she stands,
> Childless and crownless, in her voiceless wo;
> An empty urn within her wither'd hands,
> Whose holy dust was scatter'd long ago;
> The Scipios' tomb contains no ashes now;
> The very sepulchres lie tenantless
> Of their heroic dwellers; dost thou flow,
> Old Tiber! through a marble wilderness?
> Rise, with thy yellow waves, and mantle her distress.

There is nothing in poetry more colossal and imposing, than some of the expressions in this passage—'Lone mother of dead empires'—

> The Niobe of nations! there she stands,
> Childless and crownless.

In what follows, images of desolated greatness are brought before us with powerful effect—

> The Scipios' tomb contains no ashes now;
> The very sepulchres lie tenantless
> Of their heroic dwellers; dost thou flow,
> Old Tiber! through a marble wilderness?

What, then, is the defect of this passage? We answer, the unnatural and false sentiment, which is arrayed with all this magnificence. Rome is personified, and represented as standing overwhelmed with her voiceless wo; and we are called upon, in contemplating the misery felt by this personification, to repress the expression of our own sufferings. The figure itself is carried too far, and its effect weakened, when the imagination of distress is distinctly introduced. But the thought becomes altogether incongruous, when this imaginary distress is applied to the moral purpose of enforcing patience

upon those, whose agonies are represented as nothing in comparison, being but the evils of a day. Strong sympathy, even with the real sufferings of those who have lived during past ages, is not the feeling, which a contemplation of the ruins of human glory is naturally adapted to produce. With the false sentiment, which runs through the passage, is connected the tame extravagance of the concluding apostrophe to the Tiber—

> Rise with thy yellow waves, and mantle her distress.

In the following stanza, Rome is still the subject.

> The double night of ages, and of her,
> Night's daughter, Ignorance, hath wrapt and wrap*
> All round us; we but feel our way to err;
> The ocean hath his chart, the stars their map,
> And Knowledge spreads them on her ample lap;
> But Rome is as the desert, where we steer,
> Stumbling o'er recollections; now we clap
> Our hands, and cry 'Eureka!' it is clear—
> When but some false mirage of ruin rises near.

Here, again, we have, as it were, an Egyptian mausoleum for the remains of a deified animal. The rich poetical language rather conceals than expresses the meaning, which, when discovered, is nothing more, than that the antiquaries are in doubt about the original names and purposes of some of the ruins of Rome; that it is a question, for instance, whether the remains of a portico belonged to a Temple of Mars, or a Basilic of Antoninus Pius. This is not a fact to be announced with such elaborate solemnity.

In some passages, the poverty of sentiment is such, that there is only the shadow of a thought; nothing real and palpable.

> The lightning rent from Ariosto's bust
> The iron crown of laurel's mimic'd leaves;
> Nor was the ominous element unjust,
> For the true laurel-wreath which Glory weaves
> Is of the tree no bolt of thunder cleaves,
> And the false semblance but disgraced his brow;
> Yet still, if fondly Superstition grieves,
> Know, that the lightning sanctifies below
> Whate'er it strikes; yon head is doubly sacred now.

* *Wraps* is required by grammar.

The semblance of meaning in this passage must disappear in any attempt to express it in prose. We can only arrange the thoughts in succession. 'It was not unjust in the lightning, which is ominous, to strike the iron crown from the bust of Ariosto, for Ariosto himself was entitled, metaphorically speaking, to a laurel crown; and there is a fable, that the laurel is not struck by lightning. Therefore the crown on his bust, being only made of metal, in imitation of laurel, disgraced it. But if the superstitious are still troubled, it may be added, that it was the custom of the ancients to consecrate to the gods what had been struck with lightning, therefore the bust of Ariosto is now doubly sacred.' The want of any proper relation between the thoughts thus forced together, renders the whole passage unmeaning.

In the expression of abstract sentiment, in all which might imply a philosophical spirit, or just and comprehensive habits of thinking, Byron is equally deficient. He had no fixed principles of belief or action; and, in consequence, there is much opposition and incongruity of opinion and feeling, expressed throughout his works. There is scarcely any subject on which he appears to have thought consistently or correctly. It may be doubted, whether there is a single passage in his writings, adapted to fix itself in the memory, as a striking expression of any general truth. The following is one of his most labored efforts.

> But quiet to quick bosoms is a hell,
> And *there* hath been thy bane; there is a fire
> And motion of the soul which will not dwell
> In its own narrow being, but aspire
> Beyond the fitting medium of desire;
> And, but once kindled, quenchless evermore,
> Preys upon high adventure, nor can tire
> Of aught but rest; a fever at the core,
> Fatal to him who bears, to all who ever bore.
>
> This makes the madmen who have made men mad
> By their contagion; Conquerors and Kings,
> Founders of sects and systems, to whom add
> Sophists, Bards, Statesmen, all unquiet things
> Which stir too strongly the soul's secret springs,
> And are themselves the fools to those they fool;

Envied, yet how unenviable! what stings
Are theirs! One breast laid open were a school,
Which would unteach mankind the lust to shine or rule;

Their breath is agitation, and their life
A storm whereon they ride, to sink at last,
And yet so nursed and bigoted to strife,
That should their days surviving perils past,
Melt to calm twilight, they feel overcast
With sorrow and supineness, and so die;
Even as a flame unfed, which runs to waste
With its own flickering, or a sword laid by
Which eats into itself, and rusts ingloriously.

He who ascends to mountain tops, shall find
The loftiest peaks most wrapt in clouds and snow;
He who surpasses or subdues mankind,
Must look down on the hate of those below.
Though high *above* the sun of glory glow,
And far *beneath* the earth and ocean spread,
Round him are icy rocks, and loudly blow
Contending tempests on his naked head,
And thus reward the toils which to those summits led.

The concluding simile is trite. The whole sense of the passage is, that those who act powerfully upon their fellow-men are all governed but by one feeling, a feverish restlessness, which leads them to aspire to what is unlawful; that they are all sources of mischief to others, and objects of their hate; and that they are all peculiarly unhappy themselves. The Edinburgh reviewer entered into a formal refutation of the latter doctrine. The other positions do not seem to be more profound or tenable.

In the delineation of his heroes, either in narrative or dramatic poetry, Byron is not successful. They are, in general, modifications of his poetical image of his own character; combinations, a little varied, of the same elementary passions. In tracing, however, their resemblance to his imagination of himself, we must take into account the gradual changes of his mind and heart. In his latter years, the fire of his passions was smouldering; he was becoming a grosser sensualist; his feelings had lost their keenness; after his fashion, be speculated more and imagined less. Thus Childe Harold was the

ideal picture of his youth, and Sardanapalus was drawn from the same character, when withered and decaying. The first, in his predominant features, is a misanthropist, sated with pleasure, yet perceiving no other good ; the last, a voluptuary, who has learnt to philosophise, and is only indifferent to everything but pleasure. Byron was a magician, without the art of evoking other spirits, but possessing, like Kehama, the power of multiplying himself. But when the inconsistencies of his own fluctuating passions were fixed, and exaggerated, and made to coexist as permanent, active qualities in his poetical creations, imaginary characters were produced, such as nature never knew. There is a moral absurdity in the confusion of qualities brought together. In his Corsair, for instance, he exhibits a pirate, who has 'a laughing devil in his sneer,' and whose frown of hatred withered all hope of mercy, but whose strongest feeling, at the same time, is the purest and most tender affection. His sense of honor is so exquisite, that he prefers being impaled himself to destroying an enemy while asleep, whose life, while awake, he had just before assaulted in the character of a spy. The inconsistency admits of no aggravation ; or it might be added, that in the continuation of the same story, this highminded pirate is guilty of cowardly assassination. The moral painting in this picture of character, is as if one were to represent tender and beautiful flowers springing up among the ashes and scoriæ, which form the crater of a volcano. Where there is less of incongruity in the qualities assigned by Byron to his heroes, there is at least some unnatural extravagance, irreconcilable with moral probability. The consequence is, that no clear and well defined impression of character is left upon the mind. As individuals, they possess no power over our sympathy. They are only shadowy and monstrous shapes of things, which never were, nor can be.

In his presentations of female character, there is less inconsistency, but they, likewise, are formed after one model. They are very beautiful, passionately fond, full of simplicity, tenderness, and constancy. This is a very interesting combination of qualities, which is marred only by one uniform defect. They have neither good sense, nor good taste, in selecting the objects of their affection. They are all possessed with the sentiment, expressed in one of Moore's songs—

> 'I know not, I ask not, if guilt 's in thy heart,
> I but know that I love thee, whatever thou art.'

Byron's writings have throughout a personal reference; and of such affection he could conceive himself the object.

Some of the most striking characteristics of his poetry belong rather to the age, than to the individual. It is, or it assumes to be, the expression of strong feeling and passion. But poetry had been growing too mechanical an art. There was a tendency to address, not so much the universal feelings of men, as the artificial taste of connoisseurs. It had been too much confined to merely arbitrary rules. Its language was becoming vague, unmeaning, traditionary. It abounded in idle epithets, loosely applied. It was overrun with conventional figures, conceptions, and modes of thought, which had long ceased to correspond to anything really existing in men's hearts and minds, and which have now become wholly obsolete. The muse was still invoked, as she was by Homer, three thousand years ago; men thought that they wrote of love, when they talked about Venus and Cupid, wounds, flames, and darts; the heathen mythology still flourished in English verse; heroes were arrayed in rhyme, in ancient costume and armor; and the shepherds and shepherdesses of the golden days were seen in vision in the streets of London. Much that was admired in its day, as the heroic plays of Dryden, the Henry and Emma of Prior, the pastorals of Shenstone, and, we must add, of Pope, the love elegies of Hammond, and in fact a great part of the amatory poetry in our language, had but little relation to human passions and feelings, but seemed to be adapted to some strange, grotesque, and often very disagreeable race of beings, among whom the author had transferred himself from the living world around him. These remarks do not refer to any particular school of poets, and still less to all the poets of any particular period; but to certain prevailing faults in poetry, which had gone unchecked for a considerable time, and which were removing it, farther and farther, from its true character. The decrepitude of the artificial style, which has been described, appears in the writings of Hayley, and some other poets of his day; and the false taste, which had been nourished, is proved by the temporary popularity which these writers attained. Hayley was for a time the greatest living poet of England.

But at the very period when poetry had become most artificial and insipid, the intellectual powers of men had begun to display themselves in action and speculation, with a force, which seemed to have been accumulating during a period of repose. One of those eras had commenced, which mark the history of mankind. The impulse was given in our country, where the last half century has been a period of almost uninterrupted improvement. In Europe, it has been a season of terrible contests and destruction; of crimes and madness, yet of high qualities and great virtues; of the overturn and reestablishment of thrones; of strong passions, good and bad, in array against each other; of bold speculations, true and false, conflicting with the most established and authoritative prejudices; and of the natural feelings and desires of men, struggling against artificial and oppressive forms of society. But there too much has been gained. Considering the human character under its most favorable aspect, we may say, that man has become a being of bolder purposes, of wider views, of higher principles of action, more consistent and intrepid in his reasonings, more energetic in his will, more tender, generous, and sincere in his affections.

But poetry of the kind that has been spoken of, was not suited to the character of such an age. There was a demand for something more true, natural, and vigorous. There was a still stronger demand for something more exciting and passionate. The craving for poetry of the latter character was so strong, that the most rude and extravagant attempts were for a time received with favor. The writers of the Della Cruscan school, now never mentioned but by way of ridicule, enjoyed a temporary blaze of popularity in England; and the forgotten book, The British Album, in which some of their verses were collected, was republished and extensively circulated in this country, at a time when the reprinting of a literary work was a rare event. Under the influences described, a new spirit has been communicated to English literature, conformed to the character of the age. All that was merely arbitrary, traditional, and factitious, has fallen into contempt. So far the change has been well. But the unalterable principles of taste, founded in the nature of man, and the eternal truths of morality and religion, have, likewise, been neglected or outraged, as antiquated prejudices. By

some writers, the highest excellence has been attained, in accordance with the improved character of man. By others, the vilest and grossest passions, the worst part of human nature, has been addressed without reserve. Some have enlarged the sphere of our imagination and feelings, conducting us to new prospects,—*avia Pieridum loca, nullius ante trita solo.* Others, for the sake of producing some effect, have hazarded anything, however strange and offensive. There have been writers, who appeared to think, that there is no proper distinction of our emotions into agreeable and disagreeable; and that if their readers were but strongly moved it was enough; no matter whether with simply painful sympathy, or disgust, or horror. Others, of great genius, like Wordsworth, in their dislike of the artificial style of poetry, have seemed to fancy that everything natural must be pleasing; and that he, who, even in the most common language, should give an account of his feelings, however trifling, or however accidental in their origin, must interest the feelings of his readers. They have even caricatured the simplicity of nature. We have had popular writers of every class, from Edgeworth, and Scott, and the author of Thalaba, down to the riotous swaggerers, who furnish the rank extravagances of Blackwood's magazine. But there is no writer, whose works have corresponded more than those of Byron, to the powerful, energetic, and passionate character of the times, have been more deeply stamped with the impression of its vices, or have been more adapted to satisfy the morbid appetite, which has existed, for every kind of excitement. This has been one of the accidental causes of his extraordinary popularity.

Another cause, contributing much to the great interest, which has been felt in his works, is their egotism. Though they do not bear the form, they have, in fact, the character of 'Confessions.' But he, who writes of himself and his own emotions, is secure of readers. By a natural delusion, it seems as if the author were giving his confidence to us individually, and we are ready to make him a return of our sympathy and regard. We are interested both in the writer, and in the knowledge which we fancy he may communicate. We are curious to know the inward structure and motions of another human mind, the secrets of another heart like our own. He may tell us, as it seems, what we could not, or

dared not tell ourselves. But, in truth, such intimate knowledge of another mind is not to be derived from a confidence, which we share only in common with all the rest of the world. It is not humility, but vanity, which prompts the writers of confessions. They may acknowledge much evil of themselves, for this acknowledgment, instead of diminishing the interest of their readers, may contribute to enhance it. There are many sentiments, of which men delight to be the objects, besides approbation; and some of them are rather increased than weakened by vices and defects of character. Such writers may, even with Rousseau and Byron, avow actions or qualities, which in themselves are merely revolting, for this avowal may be accompanied with the implication, that their faults are intimately connected with excellences altogether peculiar; and in fact, are only marks of a moral idiosyncrasy, by which the individual is distinguished from, and raised above other men. Vices may even be feigned or exaggerated, as we find in real life, for the sake of bringing out some favorite trait of character in bolder relief; or of giving stronger solicitude to the sympathy, which has been excited by other qualities. But whatever is told, the simple truth is not told. The author conforms his accounts, and his expressions of feeling, to some imaginary conception of himself, which he secretly admires, and fancies others will admire. The popularity, therefore, of such writings, is not lasting. In a little time, men find that they have been deceived, and cheated out of their sympathy and admiration. The author betrays himself in his own writings; the facts of his life, as they are more known and attended to, are perceived to be inconsistent with his exhibition of himself; and some Grimm, some Marmontel, or some Medwin, some enemy or some friend, springs up to give the literal prose story of what had appeared only in poetical and picturesque guise. Thus the true character of the individual gradually displaces his theatrical personation of himself. In the age after that in which it is written, his book, like the Confessions of Rousseau, ceases to be an object of feeling and enthusiasm. Its vitality is gone, and it remains only as a subject of moral analysis to the student of human nature. The life and writings of Byron corresponded less with each other, than those of Rousseau; and in the poetry of the former, there are grosser incongruities, than

in the prose of the latter. Byron was continually calling upon men in the most moving language, to inform them, that he did not wish for their notice or concern; he was pouring out unremitted wailings, and avowing, at the same time, that he had learnt, with stern resolution, to suffer in solitude and silence; he was professing his dislike and contempt of the world in constant efforts to secure its admiration and favor.

That he truly suffered, from a gloomy temperament, and from the natural effects of his vices, there can be no doubt. But this is vulgar misery, very different from that 'sublime sadness, breathed from the mysteries of our mortal existence,'* with which his more enthusiastic admirers thought him to be possessed. As he lived longer, his feelings became more callous, and he acquired more of selfish recklessness. Every one now knows, that Lord Byron, as a man, was a different personage from the Lord Byron of his own poetry. The accounts of his life and his conversations, the levity of his prose writings, and the last employment of his days, his Don Juan, have left few believers in his sublime and mysterious melancholy.

Lord Byron's course of life, while on the continent, after leaving England, answered to that which he before led. His last mistress was a married woman, the daughter of an Italian count, whose family, with an insensibility to infamy, not, we hope, to be found out of Italy, did not feel the connexion as disgraceful. The character of the few companions with whom he principally associated, is well known. He produced various works, some of which cannot be spoken of with too severe reprobation; while others had not striking qualities of any kind, sufficient to attract much notice. He perceived that his fame was sinking under him, that he was beginning to be regarded with but little of poetical enthusiasm, and that he had outraged too far the moral sentiments of mankind. He felt this state of things with abundant irritability, which he expressed in verses as spirited as the following,—the only extract we shall give from his Don Juan.

> Dogs or men! (for I flatter you in saying
> That ye are dogs—your betters far) ye may
> Read, or read not, what I am now essaying,
> To show ye what ye are in every way.

* Edinburgh Review, vol. 30. p. 98, Am. Ed.

As little as the the moon stops for the baying
Of wolves, will the bright muse withdraw one ray
From out her skies—then howl your idle wrath!
While she still silvers o'er your gloomy path.

Under such circumstances, weary of life, disgusted with his pursuits, sensible that he had wantonly perverted his extraordinary powers, and become an object of universal disapprobation; yet desirous, as ever, of being distinguished by the admiration of the world, he was led to change the scene, and undertake his expedition to Greece. The romance of his admirers was revived for a time by this event. But no one, we suppose, imagines that he rendered, or was capable of rendering, any important services to the cause of that country. If the Greeks are, as we hope, to recover their freedom, it may be well for their posterity, that he had not the power. The examples of those distinguished in the history of a nation, as its benefactors, are likely to have much influence upon the national character. Our own country has, in that respect, been peculiarly fortunate. It would have been unhappy for Greece, if Lord Byron had been her Lafayette.

There is a passage in Medwin's work, which is striking, both from the scene described, and from the view which it gives of Lord Byron's desertion during his residence in Italy; and still more from the light, which it throws upon the state of his feelings and character. The writer himself is apparently unconscious of what he has thus contributed to bring before us. Shelley, who seems to have been almost domesticated with Lord Byron, was drowned by the upsetting of an open boat. His body was found fifteen days afterwards. The following is the relation of Medwin.

'18th August, 1822.—On the occasion of Shelley's melancholy fate I revisited Pisa, and on the day of my arrival learnt that Lord Byron was gone to the seashore, to assist in performing the last offices to his friend. We came to a spot marked by an old and withered trunk of a fir tree; and near it, on the beach, stood a solitary hut covered with reeds. The situation was well calculated for a poet's grave. A few weeks before I had ridden with him and Lord Byron to this very spot, which I afterwards visited more than once. In front was a magnificent extent of the blue and windless Mediterranean, with the Isles of Elba and Gorgona,—Lord Byron's yacht at anchor in the offing; on the other side an

almost boundless extent of sandy wilderness, uncultivated and uninhabited, here and there interspersed in tufts with underwood curved by the sea breeze, and stunted by the barren and dry nature of the soil in which it grew. At equal distances along the coast stood high square towers, for the double purpose of guarding the coast from smuggling, and enforcing the quarantine laws. This view was bounded by an immense extent of the Italian Alps, which are here particularly picturesque from their volcanic and manifold appearances, and which being composed of white marble, give their summits the resemblance of snow.

'As a foreground to this picture appeared as extraordinary a group. Lord Byron and Trelawney were seen standing over the burning pile, with some of the soldiers of the guard; and Leigh Hunt, whose feelings and nerves could not carry him through the scene of horror, lying back in the carriage, the four post horses ready to drop with the intensity of the noonday sun. The stillness of all around was yet more felt by the shrill scream of a solitary curlew, which, perhaps, attracted by the body, wheeled in such narrow circles round the pile, that it might have been struck with the hand, and was so fearless that it could not be driven away. Looking at the corpse, Lord Byron said,

'"Why, that old black silk handkerchief retains its form better than that human body!"

'Scarcely was the ceremony concluded, when Lord Byron, agitated by the spectacle he had witnessed, tried to dissipate, in some degree, the impression of it by his favorite recreation. He took off his clothes, therefore, and swam off to his yacht, which was ridinga few miles distant.' * * *

'The next morning he was perfectly recovered. When I called, I found him sitting in the garden under the shade of some orange trees, with the Countess. They are now always together, and he is become quite domestic. He calls her *Piccinina*, and bestows on her all the pretty diminutive epithets that are so sweet in Italian. His kindness and attention to the Guiccioli have been invariable.' pp. 178—186.

The bad taste of the execution does not much injure the effect of this picture. Misery produces strange companionship. Lord Byron, attending the funeral of one of his few associates, who was still more an outcast from society than himself; the gloomy circumstances of Shelley's death; the solitude of the scene; the commencement of decay in the body, still clothed in the dress worn while in life; Leigh Hunt dissolved in sentimental tears in the back ground, and

Byron himself endeavoring to escape from all thought, braving the melancholy, which must have forced itself upon him ; and, the next morning, found 'quite domestic' with the wife of another man, who was his mistress.

A few months before the event mentioned in the last extract, Lord Byron received a letter from a Mr Sheppard. It contained a prayer of intercession for him, written in the year 1814, by Mrs Sheppard, which her husband had discovered among her papers, more than two years after her death. This lady was not personally acquainted with Lord Byron ; she had only seen him, and had been interested like the rest of the world in his poetry. The circumstances were adapted to affect any one. Lord Byron was touched at once through his vanity and his better feelings. His reply to Mr Sheppard, defective as it is in sentiment and reasoning, is more creditable to him in a moral point of view, than any other composition of his which has been published. We will give it entire.*

'Pisa, December 8, 1821.

'Sir,—I have received your letter.—I need not say that the extract which it contains has affected me, because it would imply a want of all feeling to have read it with indifference. Though I am not quite sure that it was intended for me, yet the date, the place where it was written, with some other circumstances which you mention, render the allusion probable. But for whomsoever it was meant, I have read it with all the pleasure, which can arise from so melancholy a topic. I say *pleasure*, because your brief and simple picture of the life and demeanor of the excellent person whom, I trust, that you will again meet, cannot be contemplated without the admiration due to her virtues, and her pure and unpretending piety. Her last moments were particularly striking ; and I do not know, that in the course of reading the story of mankind, and still less in my observations upon the existing portion, I ever met with anything so unostentatiously beautiful ! Indisputably, the firm believers in the Gospel have a great advantage over all others, for this simple reason, that if true, they will have their reward hereafter, and if there be no hereafter, they can be but with the infidel in his eternal sleep, having had the assistance of an

* It was originally published in a work entitled *Thoughts chiefly designed as a Preparative or Persuasive to private Devotion,* by John Sheppard. This book we have not seen ; but copy the above from the English Monthly Repository, No. 229.

exalted hope through life, without disappointment, since (at the worst for them) 'out of nothing, nothing can arise,' not even sorrow! But a man's creed does not depend upon himself. Who can say, I *will* believe this, that, or the other, and least of all that which he least can comprehend? I have, however, observed, that those who have begun life with extreme faith, have in the end greatly narrowed it, as Chillingworth, Clarke, (who ended as an Arian,) Bayle and Gibbon, (once a Catholic,) and some others; while, on the other hand, nothing is more common than for the early skeptic to end in a firm belief, like Maupertuis and Henry Kirke White. But my business is to acknowledge your letter, and not to make a dissertation. I am obliged to you for your good wishes, and more than obliged by *the extract* from the papers of the beloved object, whose qualities you have so well described in a few words. I can assure you that all the fame, that ever cheated humanity into higher notions of its own importance, would never weigh in my mind against the pure and pious interest, which a virtuous being may be pleased to take in my welfare. In this point of view, I would not exchange the prayer of the deceased in my behalf for the united glory of Homer, Cæsar, and Napoleon, could such be accumulated upon a living head. Do me at least the justice to suppose that—

Video meliora proboque,

however the *deteriora sequor* may have been applied to my conduct. I have the honor to be your obliged and obedient servant,

'Byron.'

It is melancholy to think of the debasement and inconsistencies of such a mind as Lord Byron's, a mind with such capacities for moral and intellectual excellence. With how much deeper feeling, might he have adopted the words of a less gifted poet—

> O gracious God! how far have we
> Profaned thy heavenly gift of Poesy?
> Made prostitute and profligate the Muse,
> Debased to each obscene and impious use.

Before the date of the letter just quoted, he had composed his Cain; and, previously even to that work, he had abandoned himself, in his Don Juan, to a course of writing, which left nothing to be hoped.

Of these works we shall say but little. The world, as has been already remarked, had begun to grow weary of Byron's

monotonous wretchedness; the dark cloud which had enveloped him was dispersing, and no longer hid from view the form and lineaments of a man like other men; the romantic conceptions, which had been entertained concerning him, were assuming a tinge of the ridiculous; his life had been such, and his character had become so deeply marked and disfigured, that much of his former style of sentiment was too obviously incongruous with either; and his powers seem to have been weakened, both by the moral and physical effects of his vices. Their influence tended also to prevent that confidence in the sympathy of others, which was necessary to the successful exertion of his genius. But he lived in the eyes of men, and their gaze was still to be fixed upon himself in some way or another. If he could not be the first of poets, he could be the most unprincipled and the most daring. It was in this state of mind, that he produced his Don Juan and his Cain, and some of the other works of his later years.

His thorough admirers have praised even these. But unless an age of deeper darkness and evil, than has yet been known, is about to settle upon the world, the prevailing sentiments concerning them will soon silence all dissentient voices. His Cain is a poem which has little in it, that is dramatic, except its external form. It is an attack upon the goodness of God, on the ground of the existence of evil. It represents him as the tyrant of the universe, delighting in the parasitical praises of his meaner creatures; but whom all nobler spirits must regard with defiance. It is idle to say, by way of apology, that this attack upon the Divinity is broken up into paragraphs, with the names of Cain and Lucifer prefixed to them; since what has been stated is the only sentiment of the work, unanswered and uncontradicted, to the impression of which everything is made to contribute. It accords but too well with earlier expressions of the feelings of the author. We might justify what has been said, by extracts from the poem; but it would be necessary to quote passages, which no light occasion would excuse one for obtruding upon notice.

We read the first two cantos of Don Juan shortly after their appearance. The mass of buffoonery and profligacy which followed, we had not seen till about to prepare the present article. It was the last product of Byron's mind. The great merit aimed at in the work, is drollery. The

author drolls upon everything; giving, for instance, in the first canto, a funny account of some shipwrecked sailors driven through hunger to devour one of their companions. It is rambling and incoherent, with frequent disregard of grammar and prosody. It furnishes, however, a sort of commentary upon the character and life of its author; for he could not write long without writing about himself; and in this work, his disclosures seem to be more liberal, unguarded, and prosaic, than in any other. In reading it, we may be reminded of what Medwin reports him to have said; 'Why don't you drink, Medwin? Gin and water is the source of all my inspiration.' One might have conjectured, perhaps, that a considerable part of it was written under such inspiration.

This production, left unfinished, was the concluding labor of the literary life of a man, who might, in his old age, have been honored with passionate admiration, and have continued, after death, to pour forth a pure splendor amid the eternal lights of poetry; who might have delighted and ennobled his fellowmen by glorious conceptions and beautiful imaginations; and who might have given all that electric energy to the expression of high and generous sentiments, which was wasted, for the most part, in adding force to the language of selfish melancholy, of misanthropy, or of violent and wicked passions. As it is, we have now to estimate, not what good, but what evil, may be the general result of his writings. There is much of his poetry, it is true, which may be read without injury by a tolerably healthy mind; and there are passages of great strength and great beauty, free from the expression of any wrong sentiment. Nor is there much, which can be seducing to any one in his exhibitions of vice and impiety. He uses no gay coloring. He delights in painting moral disease and insane passions, rather than the loose and voluptuous banquet, which may precede them. Even in the writings of his later days, there is a truth and coarseness in his immorality, which is anything but attractive. But when such a writer as Byron expresses strongly, what he represents as his own emotions and sentiments, there are many who will adopt them, and apply his language to themselves. He has had followers, without doubt, who have affected depravity of which they were not guilty, and have bewailed their sufferings and deso-

lation, with a resolute determination to be miserable. His verses have done something to give a poetic interest to a selfish abandonment of duty; to encourage the indulgence of passions, which, in the real intercourse of life, are merely offensive; and to throw a charm over that sickly melancholy, to which the young are exposed, from too sensitive feelings, from indolence and timidity, and from desires at once too earthly and too romantic. But this is not an evil lasting in its nature. A writer like Byron becomes the founder of a new school of artificial sentiment, which has its day; but which, in time, grows as obsolete as the Euphuism of Lilly, or the gallantry of Mademoiselle de Scuderi, or the affected sensibility of Sterne. Nothing is permanent but nature and truth. The fashions of one age are the ridicule of the next.

Still there is a pestilential atmosphere about the ruins of such a mind. The great injury likely to result from his writings, consists in the circumstance, that a man of powers so extraordinary, should have enlisted himself without shame in the cause of evil; that he should have presented himself before the world to avow his contempt of decency, his depravity, and his impiety; and that doing this, he should have received no harsher repulse from its favor. He has given to the bad the whole countenance of his name. Strongly interesting his fellowmen through the displays of his genius, and, at the same time, rendering himself justly exposed to reprobation by his vices, he has confused and weakened the moral sentiments of his admirers. The effect appears in some of the highly colored eulogies, which followed his death. They have served to mark and to aggravate the evil. But the stream of time is already washing away the foundations of that factitious admiration, of which he has been the object. In another age, with other fashions and prejudices, the character of Byron will be estimated as it ought to be. The men of another age, however, with different subjects of interest from what we have, can hardly be expected to sympathise strongly in the regret, which we may feel, while contemplating the abuse of such powers and such qualities, as he possessed.

Art. III.—*The Duties of an American Citizen; two Discourses delivered in the First Baptist Meeting House in Boston, on Thursday, April 7, 1825, the Day of Public Fast.* By Francis Wayland, Jr, Pastor of the First Baptist Church in Boston. 8vo. pp. 52. J. Loring.

It is seldom that we have met with sounder views, or with sentiments more just and liberal on some important topics, than are contained in these discourses. The author, it is true, sets himself rather a formidable task in proposing to consider, within so small a compass, 'what appears to be the present intellectual and political condition of the nations of Europe, the relations we sustain to them, and the duties which devolve upon us in consequence of those relations,' but he has prosecuted his attempt with ability, and with as good success as the nature of the case would admit. The first discourse is devoted to a consideration of the present state of the European nations, and the second to the duties of an American citizen.

After a few brief hints on the changes, which society has been undergoing for the last half century throughout christendom, the author speaks of some of the causes, which are still operating with a renewed energy to increase these changes, and to put a new aspect on the social and political condition of man in all parts of the civilised world. The great and powerful instrument of change is knowledge. The means of intelligence are multiplying in every direction, and the desire of attainment is growing stronger and stronger, in spite of the efforts of despotism to arrest the progress of improvement, or cramp the natural aspirations of the mind after freedom and knowledge. The time, indeed, has arrived, when 'every man must be in a considerable degree a spectator of the doings of the world, or he is soon very far in the rear of the intelligence of the day.' Nations and men are teaching each other by example; the actions of one are known to all the others; different parts of the world are brought nearer together by the improved methods of navigation, and the interests of nations are becoming more closely linked by new facilities of commerce, and a more extensive interchange of commodities, which one can spare and which another wants.

It is thus that a kind of common interest, which has not till lately existed, is growing up between nations, and wider channels are every day opened for communicating to one, a knowledge of the doings and improvements of the others.

'Hence it is,' says the author, 'that the moral influence, which nations are exerting upon each other, is greater than it has been at any antecedent period in the history of the world. The institutions of one country are becoming known almost of necessity to every other country. Knowledge provokes to comparison, and comparison leads to reflection. The fact, that others are happier than themselves, prompts men to inquire whence this difference proceeds, and how their own melioration may be accomplished. By simply looking upon a free people, an oppressed people instinctively feel that they have inalienable rights; and they will never afterwards be at rest, until the enjoyment of these rights is guaranteed to them. Thus, one form of government, which in any pre-eminent degree promotes the happiness of man, is gradually but irresistibly disseminating the principles of its constitution, and from the very fact of its existence, calling into being those trains of thought, which must in the end revolutionise every government within the sphere of its influence, under which the people are oppressed.

'And thus is it that the field in which mind may labor, has now become wide as the limits of civilisation. A doctrine advanced by one man, if it have any claim to interest, is soon known to every other man. The movement of one intellect, now sets in motion the intellects of millions. We may now calculate upon effects, not upon a state or a people, but upon the melting, amalgamating mass of human nature. Man is now the instrument which genius wields at its will; it touches a chord of the human heart, and nations vibrate in unison. And thus he who can rivet the attention of a community upon an elementary principle, hitherto neglected in politics or morals, or who can bring an acknowledged principle to bear upon an existing abuse, may, by his own intellectual might, with only the assistance of the press, transform the institutions of an empire or a world.

'In many respects, the nations of christendom collectively are becoming somewhat analogous to our own Federal Republic. Antiquated distinctions are breaking away, and local animosities are subsiding. The common people of different countries are knowing each other better, esteeming each other more, and attaching themselves to each other by various manifestations of reciprocal good will. It is true, every nation has still its separate boundaries and its individual interests; but the freedom of commercial intercourse

is allowing those interests to adjust themselves to each other, and thus rendering the causes of collision of vastly less frequent occurrence. Local questions are becoming of less, and general questions of greater importance. Thanks be to God, men have at last begun to understand the rights, and feel for the wrongs of each other. Mountains interposed do not so much make enemies of nations. Let the trumpet of alarm be sounded, and its notes are now heard by every nation, whether of Europe or America. Let a voice borne on the feeblest breeze, tell that the rights of man are in danger, and it floats over valley and mountain, across continent and ocean, until it has vibrated on the ear of the remotest dweller in christendom. Let the arm of oppression be raised to crush the feeblest nation on earth, and there will be heard everywhere, if not the shout of defiance, at least the deep toned murmur of implacable displeasure. It is the cry of aggrieved, insulted, much abused man. It is human nature waking in her might from the slumber of ages, shaking herself from the dust of antiquated institutions, girding herself for the combat, and going forth conquering and to conquer; and wo unto the man, wo unto the dynasty, wo unto the party, and wo unto the policy, on whom shall fall the scath of her blighting indignation.' pp. 10—12.

In the further consideration of his subject, Mr Wayland very properly divides the different forms of government, under which society has existed, into two kinds, the *government of will*, and the *government of law*. The first supposes all mankind to be separated into two very disproportionate classes, the rulers and the ruled, who originally possess rights and privileges wholly distinct from each other, it being the province of the former to command, and of the latter to obey, without reference to the wishes, will, or voice of the subordinate party,—subordinate in station and power, although immeasurably superior in numbers. This species of government is fully illustrated by that maxim of the Holy Alliance, which declares that 'all useful and necessary changes ought only to emanate from the free will and intelligent conviction of those, whom God has made responsible for power.' Such is the *government of will*, in which a few persons, whom accident has clothed with power, or who are themselves, as Lord Thurlow would say, 'the accident of an accident,' undertake to assert, without regard to any distinctions of wisdom, virtue, or merit, that the Almighty has put the rod of authority into their hands, to be wielded over the whole

human race, as the folly, caprice, or interests of these self constituted favorites of heaven may dictate. The *government of law* is founded on principles in all respects of an opposite kind. Here only one class of society is recognised; by nature all men are equal, and the business of government depends on the mutual choice and agreement of the parties. The power is in the people, and they give up such part of it as they think proper, and into such hands as they choose, and on such conditions as they suppose will best promote the ends of social union. Under this system, the doctrine that human beings, endowed with rational faculties, do not know how to govern themselves and consult their own happiness, is rejected as an absurd and dangerous heresy. There is no state of society, in which the people are not qualified to form a government better suited to their condition, than any that can be imposed on them against their will from abroad. The government of law is a government of choice, in which each individual has a share in appointing the law makers, and submits to restraints on his own actions, that he may promote private and public benefit by securing the same submission from others. All power of the rulers is held in trust, to be taken away when it is abused. Our own government is an example of this sort, which requires no illustration.

'Now, which of these two,' says Mr Wayland, 'is the right notion of government, I need not stay to inquire. It is sufficient for my purpose to remark, that whenever men have become enlightened by the general diffusion of intelligence, they have universally preferred the government of law. The doctrines of what is called legitimacy, have not been found to stand the scrutiny of unrestrained examination. And besides this, the love of power is as inseparable from the human bosom as the love of life. Hence men will never rest satisfied with any civil institutions, which confer exclusively upon a part of society, that power which they believe should justly be vested in the whole; and hence it is evident, that no government can be secure from the effects of increasing intelligence, which is not conformed in its principles to the nature of the human heart, and which does not provide for the exercise of this principle, so inseparable from the nature of man.

'We see then that the people under arbitrary governments, whenever they have become enlightened, must begin to desire some change in the existing institutions. On the contrary, it is not unreasonable to suppose, that to such change the rulers would every-

where be opposed. Instances have been rare in the history of man, in which the possessor of power has surrendered it to anything but physical force. The rulers everywhere will, to the utmost of their ability, maintain the existing institutions. This is not conjecture. The Holy Alliance has declared its determination to bring its whole power to bear upon any point, from which there was reason to fear the love of change, or in other words the love of liberty, would be disseminated. They have announced, that "the powers have an undoubted right to assume a hostile attitude, in relation to those states, in which the overthrow of governments may operate as an example."

'You perceive then, that if the people in Europe have become dissatisfied with the government of will, and if the rulers have determined to support it, the present progress of intelligence must be rapidly dividing the whole community into two great classes. The one is composed of the monarchy, the aristocracy, and the army, and in general, of all those whose wealth, whose rank, or whose influence depends on the continuance of the existing system. The other is composed of the middling and lower classes of society, of the men who understand the nature of liberal institutions, and those who are groaning under the weight of civil and religious oppression. The question at issue is, whether a nation shall be governed by men of its choice, or by men, whose only title to rule is derived from hereditary descent; whether laws shall be made for the benefit of a whole or a part; and whether they shall be the expression of a monarch's will, or the unbiassed decisions of an enlightened community. It is a question between precedent and right; between old notions and new ones; between rulers and ruled; between governments and people. It has already agitated Spain, Portugal, Italy, France, Germany, Prussia, and South America. Hence you see, that the parties formed in those nations have all taken their names from their attachments to one or the other of these notions of government. Hence we hear of constitutionalists and royalists, of liberals and anti-liberals, of legitimates and reformers. It is in a word the same question, though modified by circumstances, which wrought out the revolution under Charles the First, and in which the best blood of this country was shed at Lexington and at Bunker Hill, at Saratoga and at Yorktown.' pp. 15—18.

Mr Wayland next considers the relations, which this country sustains to the countries of Europe, and these he deduces chiefly from our example in successfully contending for liberty, and establishing and maintaining free institutions, founded on the broad principles of human right and equality, and sup-

ported by a steady and resolute adherence to those principles. Our progress is daily affording a demonstration not only of the practicability of a popular form of government, but of its 'unrivalled superiority' to any other form. In connexion with this part of the subject, the author remarks,

'It was not long since fashionable to ridicule the idea, that a people could govern themselves. The science of rulers was supposed to consist in keeping the people in ignorance, in restraining them by force, and amusing them by shows. The people were treated like a ferocious monster, whose keepers could only be secure while its dungeon was dark, and its chain massive. But the example of our own country is rapidly consigning these notions to merited desuetude. It is teaching the world that the easiest method of governing an intelligent people is, to allow them to govern themselves. It is demonstrating that the people, so far from being the enemies, are the best, nay, the natural friends of wholesome institutions. It is showing that kings, and nobles, and standing armies, and religious establishments, are at best only very useless appendages to a form of government. It is showing to the world that every right can be perfectly protected, under rulers elected by the people; that a government can be stable with no other support than the affections of its citizens; that a people can be virtuous without an established religion; and more than this, that just such a government as it was predicted could nowhere exist, but in the brain of a benevolent enthusiast, has actually existed for half a century, acquiring strength, and compactness, and solidity, with every year's duration. And it is manifest that nowhere else have men been so free, so happy, so enlightened, or so enterprising, and nowhere have the legitimate objects of civil institutions been so triumphantly attained. Against facts such as these it is difficult to argue; and you see they furnish the friends of free institutions with more than an answer to all the theories of legitimacy.

'It is unnecessary to pursue this subject further. You are doubtless convinced, that this country stands linked by a thousand ties to the popular sentiment of Europe. We have no sympathies with the rulers. The principles, in support of which they are allied, are diametrically opposed to the very spirit of our constitution. All our sympathies are with the people; for we are all of us the people. And not only are we thus amalgamated with them in feeling, we are manifestly at the head of that feeling. We first promulgated their sentiments, we taught them their rights, we first contended successfully for their principles; and for fifty years we have furnished incontrovertible evidence that their principles are true. These principles have already girded us with Herculean

strength, in the very infancy of our empire, and have given us political precedence of governments, which had been established on the old foundation, centuries before our continent was discovered.' pp. 27—29.

The topic of example the author pursues at a greater length, and shows how wide an influence the people of the United States may have on the coming destinies of many other nations, by a proper exercise of the privileges of freedom, and an unwavering attachment to the principles on which their political fabric is founded. 'If this country remain happy,' he observes, 'and its institutions free, it will render the common people of other countries acquainted with the fundamental principles of the science of government; this knowledge will silently produce its practical result, and year after year will insensibly train them to freedom.' Hence it is easy to point out the duty of an American citizen, as a member of a political union. A moral and intellectual elevation of national character is the main thing to be gained. As the power of the people is increased, in the same proportion must the intelligence of the people be enlarged, that they may know how to wield this power with discretion, and be disposed to direct it in a channel, where it shall produce the greatest amount of public benefit. That man only, who is in some good degree advanced in moral and intellectual culture, is qualified to exercise the right of suffrage, and to contribute to promote the strength and happiness of a free community. The subject in this important bearing is discussed with the author's usual ability and discrimination.

We shall select from these discourses only one passage more.

'But before we leave this part of the subject, it may be well to pause for a moment, and inquire whether, in addition to its moral efficacy, the Bible may not exert a powerful influence on the intellectual character of man.

'And here it is scarcely necessary that I should remark, that of all the books with which, since the invention of writing, this world has been deluged, the number of those is very small which have produced any perceptible effect on the mass of human character. By far the greater part have been, even by their cotemporaries, unnoticed and unknown. Not many a one has made its little mark upon the generation that produced it, though it sunk with

that generation to utter forgetfulness. But after the ceaseless toil of six thousand years, how few have been the works, the adamantine basis of whose reputation has stood unhurt amid the fluctuations of time, and whose impression can be traced through successive centuries on the history of our species.

'When, however, such a work appears, its effects are absolutely incalculable; and such a work, you are aware, is the Iliad of Homer. Who can estimate the results produced by this incomparable effort of a single mind! Who can tell what Greece owes to this first born of song. Her breathing marbles, her solemn temples, her unrivalled eloquence, and her matchless verse, all point us to that transcendant genius, who by the very splendor of his own effulgence, woke the human intellect from the slumber of ages. It was Homer who gave laws to the artist; it was Homer who inspired the poet; it was Homer who thundered in the senate; and more than all, it was Homer who was sung by the people; and hence a nation was cast into the mould of one mighty mind, and the land of the Iliad became the region of taste, the birthplace of the arts. Nor was this influence confined within the limits of Greece. Long after the sceptre of empire had passed westward, genius still held her court on the banks of the Ilyssus, and from the country of Homer gave laws to the world. The light, which the blind old man of Scio had kindled in Greece, shed its radiance over Italy, and thus did he awaken a second nation to intellectual existence. And we may form some idea of the power, which this one work has to the present day exerted over the mind of man, by remarking, that "nation after nation, and century after century, has been able to do little more than transpose his incidents, new name his characters, and paraphrase his sentiments."

'But considered simply as an intellectual production, who will compare the poems of Homer with the Holy Scriptures of the Old and New Testament. Where in the Iliad shall we find simplicity and pathos, which shall vie with the narrative of Moses, or maxims of conduct to equal in wisdom the Proverbs of Solomon, or sublimity, which does not fade away before the conceptions of Job or David, of Isaiah or St John. But I cannot pursue this comparison. I feel that it is doing wrong to the mind, which dictated the Iliad, and to those other mighty intellects on whom the light of the holy oracles never shined. Who that has read his poem has not observed how he strove in vain to give dignity to the mythology of his time? Who has not seen how the religion of his country, unable to support the flight of his imagination, sunk powerless beneath him? It is the unseen world where the master spirits of our race breathe freely and are at home; and it is mournful to behold the intellect of Homer striving to free itself from the conceptions of materialism,

and then sinking down in hopeless despair, to weave idle fables of Jupiter and Juno, Apollo or Diana. But the difficulties under which he labored are abundantly illustrated by the fact, that the light, which he poured upon the human intellect, taught other ages how unworthy was the religion of his day, of the man who was compelled to use it. "It seems to me," says Longinus, "that Homer, when he ascribes dissensions, jealousies, tears, imprisonments, and other afflictions to his Deities, hath, as much as was in his power, made the men of the Iliad gods, and the gods men. To man when afflicted, death is the termination of evils; but he hath made not only the nature but the miseries of the gods eternal."

'If then so great results have flowed from this one effort of a single mind, what may we not expect from the combined efforts of several, at least his equals in power over the human heart? If that one genius, though groping in the thick darkness of absurd idolatry, wrought so glorious a transformation in the character of his countrymen, what may we not look for from the universal dissemination of those writings, on whose authors was poured the full splendor of eternal truth? If unassisted human nature, spell bound by a childish mythology, have done so much, what may we not hope for from the supernatural efforts of preeminent genius, which spake as it was moved by the Holy Ghost?' pp. 42—45.

The above extracts will serve as a specimen of Mr Wayland's mode of thinking and writing, although it would not be fair to judge of the entire merits of his discourses, from the very imperfect outline, which we have here presented. As an exhibition of strong powers of intellect, united with a wide reach of inquiry and liberality of sentiment, few performances of a similar kind are worthy of higher commendation. We object to nothing but some of the author's remarks on the Romish church, which would have been more applicable three centuries ago, than at the present time. How far these discourses may be compared with Mr Wayland's very eloquent Sermon on the Moral Dignity of the Missionary Enterprise, which has been so much read and praised in this country and Great Britain, we shall not decide. Nor is such a parallel necessary; they are both the productions of a vigorous mind and a good heart, creditable to the talents and religious motives of the author, and form a valuable addition to the stock of our literature.

ART. IV.—*Poems.* By EDWARD C. PINKNEY. Baltimore. Joseph Robinson. 1825. 12mo. pp. 76.

OF the last piece but one in this volume, entitled Rodolph, we have heretofore given a short notice. It was first published separately and anonymously; but is now accompanied by several shorter poems, and by the author's name, which there is certainly no reason for concealing. With all its faults, Rodolph abounds with beauties, which any of our poets might be glad to claim. The promise, which it held forth on its first appearance, that there was more gold in the same mine, has not been broken. Some of the small pieces in this very small volume are really exquisite. At least they appear so to us; and we are quite willing to submit our opinion to the judgment of our readers, by making two or three extracts for their perusal.

Let us take 'Italy,' which stands first in the book, as one of our specimens. It is an imitation of Goethe's celebrated *Kennst du das Land.* To imitate excellence successfully, one must be something more than a mere imitator. Dulness, or mediocrity, can do nothing but repeat with servility the ideas of its model, 'and regularly weaken all it repeats.' Genius catches the thought and spirit of kindred genius, and gives them a fair and well proportioned body of its own. In short, when what is borrowed is good, what is altered or added must be good too, or we shall perceive the vast disparity, and be displeased at it, and be moved to tell the imitator that he had no business with such beautiful things, if he knew not how to make a better use of them. We think our readers, however, will feel no disposition to say so to the author of the following lines.

Know'st thou the land which lovers ought to choose?
Like blessings there descend the sparkling dews;
In gleaming streams the crystal rivers run,
The purple vintage clusters in the sun;
Odors of flowers haunt the balmy breeze,
Rich fruits hang high upon the vernant trees;
And vivid blossoms gem the shady groves,
Where bright plum'd birds discourse their careless loves.
Beloved!—speed we from this sullen strand
Until thy light feet press that green shore's yellow sand.

Look seaward thence, and nought shall meet thine eye
But fairy isles like paintings on the sky;
And, flying fast and free before the gale,
The gaudy vessel with its glancing sail;
And waters glittering in the glare of noon,
Or touched with silver by the stars and moon,
Or flecked with broken lines of crimson light
When the far fisher's fire affronts the night.
Lovely as loved! towards that smiling shore
Bear we our household gods, to fix for evermore.

It looks a dimple on the face of earth,
The seal of beauty, and the shrine of mirth;
Nature is delicate and graceful there,
The place's genius, feminine and fair;
The winds are awed, nor dare to breathe aloud;
The air seems never to have borne a cloud,
Save where volcanoes send to heav'n their curled
And solemn smokes, like altars of the world.
Thrice beautiful!—to that delightful spot
Carry our married hearts, and be all pain forgot.

There Art too shows, when Nature's beauty palls,
Her sculptured marbles, and her pictured walls;
And there are forms in which they both conspire
To whisper themes that know not how to tire;
The speaking ruins in that gentle clime
Have but been hallowed by the hand of Time,
And each can mutely prompt some thought of flame—
The meanest stone is not without a name.
Then come, beloved!—hasten o'er the sea
To build our happy hearth in blooming Italy.

Are not the two lines, beginning 'Save where volcanoes,' sufficient to give a more than ordinary character to this piece? Are they not poetry, and grand poetry? The similitude contained in them is one, which the memory cannot refuse to keep and cherish, because it is rich in those sublime associations which the memory loves, and loves to hoard among its treasures. And it is one of the peculiarities of the volume before us, that it is replete with comparisons of a highly poetical nature. We have an instance in the second piece, called 'The Indian Bride.'

Their sun declines not in the sky,
Nor are their wishes cast,
Like shadows of the afternoon,
Repining toward the past.

No less than three of these figures are contained in the two last verses of the 'Picture Song.'

The sportive hopes, that used to chase their shifting shadows on,
Like children playing in the sun, are gone—forever gone;
And on a careless, sullen peace, my double-fronted mind,
Like Janus when his gates were shut, looks forward and behind.

Apollo placed his harp, of old, awhile upon a stone,
Which has resounded since, when struck, a breaking harp string's tone;
And thus my heart, though wholly now from early softness free,
If touched, will yield the music yet, it first received of thee.

There is much richness in the following evening scene. Enough has already been said about the loves of the angels, but we will pardon those four lines, for the sake of the rest.

'Twas eve; the broadly shining sun
Its long, celestial course had run;
The twilight heaven, so soft and blue,
Met earth in tender interview,
Ev'n as the angel met of yore
His gifted mortal paramour,
Woman, a child of morning then,—
A spirit still,—compared with men.
Like happy islands of the sky,
The gleaming clouds reposed on high,
Each fixed sublime, deprived of motion,
A Delos to the airy ocean.
Upon the stirless shore no breeze
Shook the green drapery of the trees,
Or, rebel to tranquillity,
Awoke a ripple on the sea.
Nor, in a more tumultuous sound,
Were the world's audible breathings drowned;
The low strange hum of herbage growing,
The voice of hidden waters flowing,
Made songs of nature, which the ear
Could scarcely be pronounced to hear;

But noise had furled its subtle wings,
And moved not through material things,
All which lay calm as they had been
Parts of the painter's mimic scene.

And now we will pass to an effusion, which is in the true antique spirit of gallantry and hyperbole. If the name of Harrington or Carew had been subscribed to it, we should, in all probability, like other antiquaries, have been completely taken in.

SERENADE.

Look out upon the stars, my love,
And shame them with thine eyes,
On which, than on the lights above,
There hang more destinies.
Night's beauty is the harmony
Of blending shades and light;
Then, Lady, up,—look out, and be
A sister to the night!—

Sleep not!—thine image wakes for aye,
Within my watching breast;
Sleep not!—from her soft sleep should fly,
Who robs all hearts of rest.
Nay, Lady, from thy slumbers break,
And make this darkness gay,
With looks, whose brightness well might make
Of darker nights a day.

Our next specimen is in a much higher strain. If he who reads it is a lover already, it will make him love the more, and if he is not, he will determine to become one forthwith. There is a devotion and delicacy about it, an ardent and at the same time respectful and spiritual passion breathed out in it, which must insure for it a ready admiration.

A HEALTH.

I fill this cup to one made up of loveliness alone,
A woman, of her gentle sex the seeming paragon;
To whom the better elements and kindly stars have given,
A form so fair, that, like the air, 'tis less of earth than heaven.

Her every tone is music's own, like those of morning birds,
And something more than melody dwells ever in her words;

The coinage of her heart are they, and from her lips each flows
As one may see the burthened bee forth issue from the rose.

Affections are as thoughts to her, the measures of her hours;
Her feelings have the fragrancy, the freshness of young flowers;
And lovely passions, changing oft, so fill her, she appears
The image of themselves by turns,—the idol of past years!

Of her bright face one glance will trace a picture on the brain,
And of her voice in echoing hearts a sound must long remain;
But memory such as mine of her so very much endears,
When death is nigh, my latest sigh will not be life's but hers.

I filled this cup to one made up of loveliness alone,
A woman, of her gentle sex the seeming paragon—
Her health! and would on earth there stood some more of such a
frame,
That life might be all poetry, and weariness a name.

We will now pass on to a more particular consideration, than we before gave, of Rodolph, which is the only poem of much length in the volume. It is divided into two parts. The first begins in a fine style.

The Summer's heir on land and sea
Had thrown his parting glance,
And Winter taken angrily
His waste inheritance.
The winds in stormy revelry
Sported beneath a frowning sky;
The chafing waves with hollow roar
Tumbled upon the shaken shore,
And sent their spray in upward showers
To Rodolph's proud ancestral towers,
Whose station from its mural crown
A regal look cast sternly down.

For the story, we cannot pretend the least affection. This Rodolph arrives, at the season so poetically described above, and after a long absence, at his own domain. He is a changed man, 'grown old in heart, infirm of frame;' and the causes of this change are stated. He had loved, and loved successfully, the wife of another. The husband comes upon them 'at an untimely tide,' and is slain. The lady retires to a convent, and there dies. Rodolph, in despair and bitterness of heart, wanders into distant climes. Here the first part leaves him. The second opens thus;

How feels the guiltless dreamer, who
With idly curious gaze
Has let his mind's glance wander through
The relics of past days?—
As feels the pilgrim that has scanned,
Within their skirting wall,
The moon-lit marbles of some grand
Disburied capital;
Masses of whiteness and of gloom,
The darkly bright remains
Of desolate palace, empty tomb,
And desecrated fanes;—
For in the ruins of old hours,
Remembrance haply sees
Temples, and tombs, and palaces,
Not different from these.

But these 'mere musings,' we are told, are not for Rodolph to indulge, who is now at home. He feels some sad and disturbing presentiment; backs his steed, and takes his way to a cemetery. He does not return, and in the morning his vassals find him in a senseless state, 'beside his lady's urn.' A raging fever attacks him, and in its delirium he raves of many crimes, which he had committed abroad, but dwells particularly on 'one dark deed.'

He spoke of one too dearly loved,
And one unwisely slain,
Of an affection hardly proved
By murder done in vain.

Pretty soft terms, we think, to apply to adultery and murder. He basely and incurably wrongs a man, murders him, and then reproaches himself for having done an *unwise thing*—and chiefly, because he had done it in vain.

Some of his ravings are recorded. They commence with the following original figure.

The evil hour in which you traced
Your name upon my heart, is passed,
And hidden fires or lightning-flashes
Have since reduced it into ashes;
Yet oft will busy thought unrol
That fragile, scorched, and blackened scroll,
And shrink to find the spell, your name,
A legend uneffaced by flame.

All will agree that this is what we have called it, original, highly so; in our opinion, it is also, notwithstanding its boldness, in thus bringing into poetry the mechanical operation of unrolling Herculanean manuscripts, beautiful. The figure is remarkably well sustained throughout. But to return to Rodolph; he dies in his madness, and the poem closes abruptly and coldly.

In this piece are displayed most of the predominant faults of the writer; for he has faults, and it is our duty to point them out with the same candor and sincerity, with which we have praised his excellencies. He is often obscure. This is in many cases the consequence of his compressing a great deal of meaning in a single line, or hinting a remote allusion, which obliges the reader to stop and ponder; who in such cases will be rewarded for his trouble. But in others there is obscurity without cause, and involving no important meaning, and then it is a mere stumbling block. As a general rule, it is no doubt better that a reader should be induced to stop from admiration of an apparent and palpable beauty, than be obliged to stop to investigate the signification of what he has read, let it turn out beautiful or otherwise.

Our author is fond of classical allusions and comparisons, and is not fond of explaining them, though they are often drawn from the least known events of ancient history or mythology. If the reader, therefore, is not pretty thoroughly versed in this kind of lore, he is constantly obliged to resort to a Lempriere, if he has one, when a short note would have answered the purpose in a much more convenient, and we doubt not, pleasant way.

It is easy to see, that Mr Pinkney is well acquainted with the best old English poetry, and perhaps he suffers his own to be tinged somewhat too deeply by some peculiarities of its phraseology. In the 'Widow's Song,' for instance, which is a sweet composition, we have for the last line, 'And *falls* these heavy tears.' To many this use of the verb in an active sense will appear unwarranted and unwarrantable. But there is Shakspearian authority for it.

> If that the earth could teem with woman's tears,
> Each drop she *falls* would prove a crocodile.

The word is also thus used in Dryden's prose. As another

instance, we may notice, that he gives to the verb *arrive*, without a preposition, the active sense of *to reach*. Thus in Rodolph he says,

> At such a season, his domain
> The lord at last *arrived* again.

The reader would not here be resolved of his doubts, as in the former instance, by resorting to Johnson's large dictionary, for Johnson gives no such use of the word. In the second book of Paradise Lost, however, he will find Beelzebub inquiring of the assembled demons, which of them will

> Spread his airy flight,
> Upborne with indefatigable wings
> Over the vast abrupt, ere he *arrive*
> The happy isle?

There is an instance to the same purpose also, in the third part of Shakspeare's Henry Sixth. Notwithstanding these authorities, it still is a question of criticism and taste, whether a writer of the present day is justifiable in such obsolete usages. We are inclined to think that he is not.

These are small objections. But we have more serious faults to find. We do not like the moral tone of this poetry. It is too close and too loud an echo to that of Byron. There is that abstracted and selfish gloom and moodiness about it, that solitary want of kindly human sympathies, that stiff and hard casing of pride, that sullen dissatisfaction with the present state, and that reckless doubt or disbelief of a future one, which seem to have been caught from Byron, and of which we have already had too much in Byron. We are sorry to be obliged to speak in this manner of poetry, and American poetry, in which there is so much that is elevated and captivating. But if there is anything valuable in character, in life, in the world, it is a firm principle and habit of virtue, benevolence and piety; and we can never afford our entire approbation to any production, which shows an indifference to these.

ART. V.—*Reports of Cases argued and determined in the English Courts of Common Law.* Edited by THOMAS SERGEANT and JOHN C. LOWBER, Esqrs, of the Philadelphia Bar. Vols. I, II, II, — V, VI, VII, VIII. 1822—1825. Carey and Lea.

THE laws, by which the people of the United States are governed, are usually enumerated in the following order; the constitution of the United States, and the acts of Congress, made in pursuance of its provisions; the constitutions and statutes of the several states; so much of the common law of England, including the law of nations, the admiralty law, and the law merchant, as is applicable to our situation; and such special customs as have grown up from peculiar local or political circumstances. But this enumeration, though sufficiently complete, does not give an accurate idea of our system of jurisprudence. The habit of viewing it in parts, as a collection of separate and somewhat discordant materials, has not only lessened the respect, with which it ought to be regarded, but has led to some important practical errors. The laws under which we live are, in truth, *principles* derived from the common law of England, but modified in the first place by the peculiar circumstances in which our ancestors were placed, as colonies planted in a distant wilderness, and, after the revolution, by the principles of the constitution of the United States, and those of the several states, and by subsequent legislative enactments. The principles of the common law are the basis of all our institutions. They are the common soil, which may be cultivated in different modes, but to which we are indebted for whatever harvest of law and justice our industry may reap. And, if we may pursue the metaphor, when the fruits of our own cultivated grounds are insufficient for our wants, we are accustomed to go forth into the wide fields that surround us, and gather the spontaneous products of the soil.

The constitution of the United States, and those of the several states, presuppose the existence and authority of the common law. When our national and state governments were established, they were not designed to abrogate the laws then in force, and establish new systems in their stead,

but to adapt the existing laws to our new situation. Thus the constitution of the United States provides for the trial of public officers by impeachment, and for their removal from office in case of conviction, and declares that the party convicted shall, nevertheless, be subject to indictment, trial, judgment, and punishment, according to law. In other words, the Senate of the United States was substituted for the English House of Lords, and the House of Representatives for the Commons; but the meaning and effect of impeachment, trial, indictment, judgment, &c. was to be determined 'according to law,' that is, the existing, operative, common law. The same remarks may be made on the articles in the constitution, relating to the writ of habeas corpus, to bills of attainder, ex post facto laws, bankruptcy, felony on the high seas, and trial by jury; and still more appropriately to the seventh article of the amendments of the constitution, which speaks in so many words of '*suits at common law.*'

In the constitution of several of the states it was expressly declared, and in all it was implied, that the laws then in force, including of course the greater part of the common law of England, should continue to be in force until altered by the legislature, except such usages as were inconsistent with the constitution then adopted. In all the states, except Louisiana, the common law forms not only the groundwork of their system of jurisprudence, but is itself emphatically the body of the law. Let any one compare the statute book of any state with a good abridgment of the common law, Comyns' Digest for example, and he will be surprised to find how small a portion of the whole system has been abrogated or altered. Many extensive titles in the law have been left untouched by legislative enactments; and in many others, as Insurance, Bills of Exchange, Arbitrament, &c. the common law has been altered in only a few unimportant particulars. A striking instance of the pervading influence of the common law, is found in the trial by jury. The right to this mode of trial has been secured in general terms by all the states, but few of them have thought it necessary to declare the number of jurors, or that the trials shall be in open court, on the testimony of witnesses examined by both parties, and in the presence of judges, who are authoritative expounders of the law. These are circumstances implied in a trial by jury at

common law, and therefore required no particular enactment. In all parts of the Union, the common law is first resorted to for the rule of decision, and then the constitution, statutes, and customs of the state, for the modifications of the rule.

What then is the common law? And where is the evidence of its existence to be found?

The common law in England is a system of judicial principles and forms of proceeding, which have been gradually developed and received by general consent in that nation, during the long period of its independent existence, and which have been adapted to its successive periods of improvement. As it grew out of the circumstances of the times, it was necessarily suited to the character, situation, and pursuits of the people. And when the English colonies were first established in this country, our ancestors brought with them the English common law, as it then existed; but in the spirit of the common law, they at once rejected what was not applicable to their peculiar situation, and carried the principles already established, to new results arising out of their new circumstances. In the progress of society, new principles were developed in the colonies, as well as in England, and these were in each adapted by analogy to the existing system. At the period of our Revolution there was a distinct colonial common law existing in each of the colonies, differing in many particulars from the common law of England, but differing only as separate branches of the same tree. They shot forth, indeed, on opposite sides, and diverged more and more from each other; but in their widest separation, they continued to bear a general resemblance and derived their nourishment and support from the same trunk. From an important quality of the common law, which we shall presently explain, we had, during the century and a half of our existence as colonies, adopted nearly all the improvements that had been made in England, besides making many more of our own. When the Revolution took place, we still adhered to the maxim, that so much of the common law was to be adopted as was applicable to our situation, and some parts of the system, such as the principles which relate to national sovereignty, which had never been applicable to the circumstances of the colonies, and of course had never been acted upon by them, were immediately adopted and applied to the states.

In the United States therefore, as in England, the common law is a system of judicial principles, which have been adopted by tacit, but universal consent, or which have been derived from other acknowledged principles, and developed by the circumstances in which we have been placed. These principles are found not only in the decisions of our courts of justice, and the treatises of learned lawyers, but in the history of our country, and of the nation from which we have descended. The origin of many of our customs, it is well known, may be traced back to the Gauls and Germans described by Cæsar and Tacitus. And even our modern commercial law is to be sought in the digests of Justinian, the usages of the free cities of the middle ages, and the marine ordinances of France and Spain, as well as in the opinions of Lord Mansfield, and the customs of the merchants at Lloyd's. The jurisprudence of every nation, with whom we or our ancestors have had intercourse, has been laid under contribution; and our laws, like our language, have flowed from a thousand springs. Like our language, too, they are adapted to our present character and wants, and admit of indefinite expansion and improvement. A *code* of laws is a coat of mail, which, however perfectly made, admits of but few movements, and can fit but one person and that for a short period; while the common law is an elastic garment, which adapts itself to every size and every variety of motion. This flexibility of the common law is a quality of vast importance to us as a young and improving nation. Our jurisprudence is a philosophical science, not derived merely from an abstract consideration of the nature of the human mind, but adapting the rules of action to the precise character, situation, and wants of those whom it governs. Its objects, and of course its operations, are as extensive and various as human actions. In its general principle it is founded on right reason, *neque opinione, sed naturâ constitutum esse jus;* and in the application of those principles to particular cases, it is guided by rational analogies. No improvement can take place in any department of human knowledge, without a corresponding improvement in the science of law.

The manner in which this improvement is made will be readily understood by those, who are familiar with the proceedings of courts of justice. In the larger number of litigated cases, there is generally no difficulty in reducing the

question to its proper class, or in discovering the general principles by which it should be decided. It is the application of those principles, and their limitation or extension to the new case, that occasion the contests of the bar. In the examination of conflicting arguments and analogies, the question is considered, not only in its relations to the general system of law and to the habits of society, but in its remote consequences; and, when decided, it becomes itself a new illustration of the general principle, and may affect all subsequent reasoning upon the subject. Every case, therefore, rightly decided, is a new step in the progress of the science.

An illustration of these remarks may be found in the several decisions respecting the oaths of witnesses. The general principle is, that a witness, in giving his testimony, shall appeal for the truth of his declaration to a God, who is the avenger of falsehood. But what God? The God of the Christians, said the ancient common law; and therefore neither Jews, nor Pagans, nor unbelievers, could be permitted to testify. The form of taking an oath, which was settled in Popish times, was plainly founded upon this opinion. The person about to testify laid his hand upon the books of the Holy Evangelists,* who, as well as the Supreme Being, were invoked as witnesses, and after repeating the oath, he devoutly kissed the book in token of his belief and reverence. It was soon found, however, that the testimony of Jews was often necessary for the due administration of justice; and it was held that a Jew might be examined as a witness, after swearing upon the books of the Old Testament, and appealing to the God of Moses. The law stood thus without any material inconvenience or change, till the year 1657, when in the case of Dr Owen, Vice Chancellor of Oxford, it was held that kissing the book, about which he had religious scruples, was no essential part of an oath.† As the commercial intercourse of England

* The several oaths, prescribed by acts of Parliament to be taken in the English Custom House, conclude with the adjuration,—'as God you help, *and his Saints.*'

† Our ancestors in New England very early entertained the same scruples, and altered the form by tacit consent. By an act of the General Assembly of Massachusetts, in 1692, it was declared that 'no person serving as a justice, juror, witness, or otherwise, shall be obliged to use any other ceremony in taking of their respective oaths, than lifting up the hand, *as has been accustomed.*'

with other nations increased, the narrowness of the rule began to be felt; and in the great case of Omichund *vs* Barker, in 1744, it was held by Lord Chancellor Hardwicke, assisted by the three chiefs, that the depositions of a Gentoo, residing in the East Indies, relating to a contract made there, and sworn to according to the forms of his religion, could be received in evidence in the court of chancery. One step further was taken in 1804. On the trial of certain persons indicted for felony, before Graham B. at the Old Bailey Sessions, a native of China, after dashing in pieces a saucer, which he took in his hand for that purpose, and declaring his belief, that his God would so dash him in pieces, if he uttered a falsehood, was received and examined as a witness. And in exact accordance with this, the deposition of a French witness was received in the Supreme Court of Massachusetts, who made his declarations '*a la maine droite levèe*;' it being proved that in France the lifting up of the right hand is held to *imply* an oath. In these several cases the general principle was preserved, but its application was regulated by the circumstances of society, and the state of public opinion. A code, or a statute prescribing the form of oaths in judicial proceedings, would have been inflexible.

Another consideration shews the value of the 'accommodating principle' of the common law, as it has been happily termed by Judge Wilson. The laws of a free people can never be much in advance of the actual state of society. In monarchies, where a codé of laws may be framed and imposed by the power of an individual, something may be done in the code itself to alter or raise the character of the people. But where the people themselves make their own laws, they will of course adapt them to their existing state and their pressing wants. They will do little for posterity. New cases must be provided for, after they have occurred, by new statutes; but these will not be enacted until the evil become general, and be generally felt. A system of statute law must always be behind the actual state of society, instead of keeping pace with it.

Two objections may be made to the common law as a system of jurisprudence, which are plausible, and deserve to be considered. It may be said, that its principles are vague and uncertain, and that it gives the judges, in effect, the

power of legislation. To the first, it may be replied, as we have said above, that the greater number of contested questions regard the application of a principle, and not the principle itself. But much of the uncertainty of law arises from the narrow limits of our knowledge, and from the unavoidble imperfection and ambiguity of language. In the infinite variety of human actions, no legislator can foresee or provide against particular cases, and even classes of cases, which are continually arising. He can only establish general principles; and we are not certain, that a general principle can be laid down in terms, more accurately than it can be collected from a series of adjudged cases. The English Statute of Frauds, reputed to be the joint production of Sir Matthew Hale, Sir Francis North, and Sir Leoline Jenkins, and which has been reenacted in nearly the same words by almost every legislature in the Union, is a memorable instance of the imperfection of language, and of written law. Lord Nottingham used to say of it, that every line was worth a subsidy; and the profession and the public have generally acquiesced in the opinion of Lord Kenyon, that 'it is the wisest law in our statute book;' yet it has, without doubt, occasioned as many lawsuits, as there are words in it, and it may probably occasion as many more. The Reports, which we are now examining, contain *sixteen* cases, which turn upon the construction of the words of this statute. No written law can possibly meet all the emergencies of a great and busy people; as no dictionary can fix the language of such a people. When a new case arises it must be settled by the analogy of existing laws; and new customs must be tolerated or sanctioned, when they spring from the necessities of the people, or are in accordance with the spirit of previous institutions.

> Et nova, factaque nuper, habebunt verba fidem, si
> Græco fonte cadant, parcè detorta.

In general, however, recourse is had to the usages of other times, or the institutions of other nations, to supply the deficiencies, or illustrate the meaning of existing laws. Notwithstanding the acknowledged excellence of the Napoleon Code, we have the authority of Mr Duponceau for the assertion, that the digest and code of Justinian, the former laws and ordinances of France, and the immense collection of the

works of the civilians and French jurists, are as much used in the courts of France as they formerly were. They constitute the common law of France, and are gradually incorporated with the code, by means of judicial decisions; of which the French, as well as the English and Americans, have voluminous reports.

We took occasion in our last number to advert to the second objection, and in some measure to answer it; but as the subject is important, it deserves further consideration. The objection cannot be met more fairly than by taking a particular example; nor can any instance be selected more favorable to the objector, than that of Lord Mansfield, to whom England is indebted for almost her whole system of commercial law. Before his time, the law of insurance, of bills of exchange, and of agent and factor, scarcely deserves notice, and the additions to these subjects made by his successors have been little more, than the development of principles established by him. Yet, in establishing these principles, Lord Mansfield never acted as a legislator introducing a new law. He found certain usages existing among merchants, which had generally been borrowed from foreign countries, and certain loose and somewhat discordant opinions, derived from the commercial ordinances of other nations, and which might often be traced back to the civil law. These usages and opinions he inquired into, compared, and digested; and wherever they were not inconsistent with the law previously established, he gave them the sanction of a judicial decision. Before his time, says Mr Justice Buller, 'all the evidence in mercantile cases was thrown together. They were generally left [that is, without any distinction between law and fact] to a jury, and they produced no established principle. From that time, the great study had been to find some certain general principles, which should be known to all mankind, not only to rule the particular case then under consideration, but to serve as a guide for the future. They had heard these principles stated, reasoned upon, enlarged, and explained, till they had been lost in admiration at the strength and stretch of the human understanding.' This is no more than a just account of the labors and merits of that eminent jurist, whose opinions even now are affecting the modes of thinking and habits of business of half the commercial world.

If the view we have taken of the common law be just, a reason is furnished for the continued circulation of English lawbooks among us. The cases adjudged in the English courts are received by us, not as authorities, but as examples of the effect of certain principles carried out into practice, or as instances of new principles derived from others previously established. They have the same effect upon our system of jurisprudence, that a new series of experiments would have upon any existing system of philosophy. They serve to illustrate, confirm, or correct it. In numerous classes of cases, the courts in Westminster hall, and in this country, reason upon the same acknowledged principles; and though we by no means admit the superior knowledge or ability of their tribunals, it would be absurd to contend, that we cannot derive instruction from their decisions. Still, however, in their printed reports there is much that cannot in any way be useful to us. Their system of ecclesiastical law, with all the incidents of tithes and advowsons, their copyholds, stamp acts, poor laws, and their technical points of practice, are subjects of more curiosity than use to the American lawyer. In the lawbooks, which we receive from England, there is much that is truly valuable to the jurist, and a great deal that is utterly useless. It is the design of Messrs Sergeant and Lowber, in the volumes before us, to give the substance of the cotemporary English Reports, carefully separating the wheat from the chaff. The plan they have adopted is very judicious, and deserves to be followed in all American editions of foreign Reports. They preserve the marginal note of every case, and the whole index, but wherever in their opinion the case is not applicable to American jurisprudence, nothing but the marginal note is given. The cases which are preserved are reprinted without abridgment.

The first volume contains the substance of the fifth and sixth volumes of Taunton's Reports; that is, the cases decided in the Common Pleas and Exchequer Chamber, from Trinity term 1813, to Easter term 1816. The very first case in Messrs Sergeant and Lowber's volume is an instance of the only fault, which we have to charge upon them; that of admitting too many cases, which are superfluous, or inapplicable to the jurisprudence of our country. The marginal note in that case is as follows.

'If the Court direct any proceedings to be set aside on terms, the terms are a condition precedent; and till performance of the terms, the proceedings stand, and the plaintiff may pursue them without application to the Court.'

This certainly is plain enough, and did not require the insertion of even a short case to illustrate it. The marginal note is sufficient of itself. In our examination of this volume, we marked seventyfive cases, occupying about one hundred and thirty pages, which might have been omitted without lessening its value to the American reader. We apprehend, indeed, that it would have been more acceptable to the profession, if it had been reduced to one half of its present size.

The second volume contains the cases in the 7. Taunton [Common Pleas, in 1816 and 1817] and the 1. Starkie [Nisi Prius Circuits in 1814—1816]. Of two hundred and fortyeight cases in Starkie, only nineteen are omitted.

The third volume consists of the Nisi Prius cases of 1815—1817, reported in 1. Holt's Reports, and the cases of 1816—1819, in 2. Starkie. Mr Holt is the Reporter of the Common Pleas, and Mr Starkie of the King's Bench.

The fifth volume* contains the cases determined in the Common Pleas in 1819—1820, from 1. Broderip and Bingham, and in the King's Bench during the same period from 3. Barnewall and Alderson; together with the Nisi Prius decisions of the Common Pleas in 1818 from 1. Niel Gow.

The sixth volume is composed of the 2. Broderip and Bingham, and the 4. Barnewall and Alderson, and brings down the decisions of the King's Bench and Common Pleas to Trinity term 1821.

The seventh volume in like manner is composed of the 5. Barnewall and Alderson, and the 3. Broderip and Bingham.

The eighth volume furnishes us with the decisions of the King's Bench to Easter term 1823, from 1. Barnewall and Cresswell, and of the Common Pleas to Hilary term 1824, from 1. Bingham.

It is no part of our present duty to examine critically the original Reports, from which the work of Messrs Sergeant and Lowber is compiled; but the perusal of these volumes

* The volumes have not been published in their numerical order, and the *fourth* has not yet reached us.

has confirmed a suspicion, which we have for some time entertained, of the declining state of the English bar. There are doubtless men of powerful minds and extensive reading found in the English courts; but judging from the arguments and decisions contained in the printed reports, it is rare to witness, at the present time, the display of either great talents or profound learning. The profession of law in England holds out so many inducements to ambition, that it must always attract the most active and energetic minds. The want of talent, therefore, at the bar, if such be the case at present, must be entirely accidental. The cause of the decline we have mentioned must be traced to other circumstances. One of the most obvious of these is the great increase of business, which allows no time to the bar for argument, nor to the court for examination and study. An argument, as it is called by courtesy, at the bar, is nothing more than a dry citation of adjudged cases; and the opinion pronounced by the court is seldom founded on general principles or fortified by reason. It is enough for the case if it can be sustained by the practice of former years. Another cause, and one of the most effective, is the illiberal policy which has confined the studies of the profession to their own jurisprudence, and prevented them from deriving assistance from the institutions of other nations. So far has this prejudice been carried, that those great lawyers, who have in fact availed themselves of this secret source of wisdom, have not dared to avow it. It is now well known, that many of the most celebrated opinions of Lord Mansfield are derived almost literally from passages in the civil law; yet he never refers to it by name. And in the case of Omichund *vs* Barker, Lord Chief Justice Willes, while bringing all his learning in aid of his argument, and citing freely the Scriptures, the writings of the Fathers, the Greek poets, and foreign jurists, was constrained to make an apology for referring to the civil law. The origin of this prejudice is well known to professional readers, but it would take up too much of our remaining time to explain it. Happily for our country it does not exist with us. In our courts of justice, the writings of civilians and foreign jurists are referred to freely and fearlessly. The Institutes of Justinian, and the commercial treatises of Pothier, Emerigon, and Roccus, are naturalised among us;

and in many libraries, Bynkershoek, Heineccius, and Valin, have taken their place by the side of Blackstone and Coke. Our printed reports show the fruits of this liberal study. They are not filled with technical subtilties, nor are they merely *libelli de stillicidiorum ac de parietûm jure.* That they are not read in England, and quoted in her courts of justice, is another proof of the prejudice we have just mentioned; and it is a prejudice, which we should be the last to imitate in our own conduct. We should rejoice to find English lawbooks in our courts of justice, as we do to see English machinery in our manufactories. We have little doubt that we shall improve upon both.

ART. VI.—*Orpheus Poetarum Græcorum Antiquissimus.* AUCTORE GEORGIO HENRICO BODE. Commentatio Praemio regio Ornata. Gottingæ, 1824. 4to. pp. 185.

THREE poems of considerable extent, with many fragments, have descended to us from antiquity, under the name of Orpheus. It has been found impossible, at the present day, and with all the certainty resulting from the art of printing, to ascertain the authorship even of many works in popular circulation. To say nothing of such instances as Junius; the cases of Rowley and Ossian prove how easy it is to fabricate a work, which shall pass for genuine even with sagacious professional critics. The case of Eikon Basilike is still more memorable. That work was more rapidly circulated, probably, than any book ever written. Fifty editions of it were published in the course of a year. All the industry, stimulated by all the virulence of party, was exercised to detect the true author. The controversy was keenly agitated, during the lifetime of the eye witnesses to its composition and publication; and yet, says Hume, 'the proofs, brought to evince that this work is or is not the king's, are so convincing, that if an impartial reader peruses any one side apart, he will think it impossible, that arguments could be produced to counterbalance so strong an evidence.' Some of the plays of Shakspeare are further cases in point; and in

the instance of Gil Blas, we see a most popular work disputed, not between two authors but between two languages ;— the Spanish version of that work purports to be a retranslation of it into its original idiom.

It is therefore not strange, that the classical writings of antiquity, works which had their origin at the grey dawn of intellectual day, which were circulated only in single written copies, which perhaps were transmitted for some generations only in the chant of the minstrels, and which again, after the decline of the arts of the classical age, were exposed to all the casualties of the dark and ignorant ages, and have come down to us at last in many cases, in a single manuscript,—it is not strange, we say, that writings like these should be the subject of perpetual controversy as to their authorship. These controversies are indeed, as to main points, rapidly clearing up. That a large class of compositions, ascribed to certain renowned primeval poets, are not genuine, has for some time been not so much matter of demonstration, as of critical intuition ; and nothing has been left, but to settle in what age and by what grammarian, the fabrication was made.

With respect to the Poems, under the name of Orpheus, the Argonautica, the Hymns, the Lithica, and several of the fragments, critics, second to none of the last generation, are inclined to ascribe them to a very early period. We need name only such scholars as Gessner and Ruhnken. On the other hand, Mr Tyrwhit, one of the most learned and sagacious of the English Hellenists, Schneider, and Hermann, the latest and acutest editor of these Orphic Poems, bring them down even to the third or fourth century of the christian era. In conducting the inquiry into the age of these remains, the preceding critics had generally confined themselves to external probabilities, to geographical and historical tests, to the style and language as matters of taste, from which an indication of the period when they were produced might be drawn. Thus Gessner, in the prolegomena to his edition, which at the time it was published (1764) was the best, argues from the geographical details in the Argonautica, that the author of that poem must have lived at a very early period ; while (so precarious are these speculations) Schneider, by a far more accurate and masterly examination of the same geographical hints, draws the opposite inference. Ruhnken says, that, on

a careful perusal of these poems, he is struck with nothing, which betrays the taste of a modern age.

It was plain, in this almost ridiculous diversity of judgment, on the part of the first critics, that some new test, of more searching efficacy, or less liable to error in the application, must be resorted to, or the question given up as insoluble. Such a test was found out and applied by Hermann, whose unrivalled skill in the Greek Grammar and Greek Metres abundantly qualified him for the task ;—a test, which must be allowed to be far more sure and safe than any general *feeling*, by which we may suppose that we recognise, in a certain style and manner, the taste, or in a few vague, geographical, and historical data, the knowledge, of a particular age. In his *Dissertatio de Ætate Scriptoris Argonauticorum*, subjoined to his edition of the Orphica, after giving a brief account of the state of the controversy, he examines the structure of the Orphic verse. He first indicates the progressive modification of the hexameter verse, through the series of the epic and didactic hexameter writers, pointing out the gradual changes which it underwent from the time of Homer, till it was wholly remodelled by Nonnus, who lived in the fifth century, and who wrote a poem in fortyeight books on the exploits of Bacchus, and a paraphrase on the Gospel of Saint John ; a choice of subjects, taking them together, which has been matter of scandal. It would take us widely out of our limits to follow Hermann into the *minutiæ* of this inquiry ; nor is it in any degree necessary for our present purpose, which is to prepare our readers for a few remarks on Mr Bode's Dissertation. It will be sufficient to observe here, that Hermann detects, in the hexameters of the Orphic poems, those peculiarities, which show that their author must have lived in the fourth century of the christian era, just before the hexameter verse received its last considerable modification, under the hands of Nonnus. To show, that in conducting this investigation, Hermann has not fallen into the error of his predecessors, in building too much on points of mere taste, which are disputable, we will only further remark, that, with singular acuteness and learning, he pursues the inquiry, under the heads of the trochaic cæsura in the fourth foot ; the lengthening of the doubtful vowels on account of the cæsura ; of the hiatus ; of the shortening of long vowels by the Attic poets ; of

the use of the pronouns οἵ and σφίν; and lastly, of the general diction and choice of words in these Orphic remains. It appears to us, we confess, impossible, that any one should rise from the perusal of this masterly dissertation, with any doubt on his mind, that these poems are the production of a comparatively recent age of Grecian metrical art.

With respect to the *Argonautica*, the oldest period, which has been assigned to this poem, is that of Onomacritus, under the princes of the house of Pisistratus. This priest had been appointed conservator of the oracles of Orpheus and Musæus, relics of the ancient national religion, which were preserved with superstitious veneration at Athens. Having been detected by Lasus, a lyric poet, (Herodot. VII, 6,) in interpolating these oracles, he was displaced and banished by Hipparchus, and took refuge at the Persian court. To this person, Tatian (adv. Græcos. p. 138,) ascribes the composition of the Argonautica and other poems bearing the name of Orpheus; and in this he has been followed by a multitude of ancient and modern writers. It is the opinion of Gessner, borrowed from some of the ancient grammarians, that Onomacritus did not *write* these poems, but that he transfused them, out of the ancient form and dialect, in which they previously existed, into a more modern dress, with additions and refinements of his own. This opinion is treated with great but not undeserved severity by Mr Bode, (Dissertat. p. 92,) and the probable origin of it suggested. Ruhnken is willing to ascribe the Argonautica and other Orphic poems to a person as old at least as Onomacritus; and Wolf (Prolegomena, p. 247) uses the expression, de vetusto auctore Argonauticorum Orphicorum. But the result of the examination made by Hermann of the structure of the verse, brings down the poem too decisively to the late period already mentioned, to admit a longer doubt. We will only add, that it is quoted or referred to by no ancient author, not even those in pari materia, as Apollonius Rhodius.

The *Lithica* is placed by Mr Tyrwhit about the year 357, under the emperor Constantius. He infers this from a couple of lines, 74, 75, in which the fate of the bard is intimated to have been the consequence of an accusation of magic. The first law, making magic capital, dates from the time just mentioned; but as under Domitian edicts were issued for the ex-

pulsion of philosophers and magicians from Italy, and it is in itself more likely, that the poet should have written in exile than under sentence of death, it may rather be inferred that he lived some time before Constantius. Whenever this poem was written, it appears to have lain long concealed in the libraries; for it is first cited by John Tzetzes, in the twelfth century. It is the opinion of Tyrwhit, that it came anonymously into the hands of Tzetzes, and was by him ascribed to Orpheus. Some have supposed that this is the same poem, which is mentioned by Suidas in the tenth century, under the name of Orpheus περὶ λίθων. That poem, however, treated of eighty kinds of stones; this treats of twentytwo. The poem, mentioned by Suidas, dwelt on the mode of engraving stones, while the Orphic Lithica now extant touches their magical and medicinal qualities, as antidotes, and their efficacy in conciliating the gods.

The *Hymns* extant under the name of Orpheus, have been supposed, by most critics, to be more ancient productions, either than the Argonautica or Lithica. Tiedeman, in his account of the earliest philosophers of Greece, has given a minute analysis of them. Although from their nature as contrasted with the *Lithica* and *Argonautica*, we should be prepared to find in them more of the genuine ancient Orphic poetry, than in any other of the productions that bear the name of this primeval bard; yet a large portion also of the hymns appears to be the fabrication of a recent age, and of the platonising Christians. They contain some splendid addresses to the divine principle; but so corrupted with pagan attributes, that Heinsius was led to pronounce them 'a true liturgy of Satan.' These hymns, to the number of eightysix, were translated by Joseph Scaliger into Latin hexameters, in the space of five days; a translation, of which it is well observed by Fabricius, that it requires no common reader, and often stands in need of an interpretation from the original. Some of these hymns are forms of invocation; some designed to be used at the ceremonial of initiation into the mysteries; some, strictly speaking, hymns, in honor of the divinities to whom they are inscribed.

Without describing the fragments of Orpheus, which Tiedeman discusses in the same minute manner, enough has now been said to give the reader a general notion of the poems,

that remain under the name of Orpheus, at least as respects authenticity and authorship. The result of the whole is, that there is no reason for believing any of them to be genuine, or to be the production of an age much nearer than a thousand years, to that when Orpheus lived. These general views we have regarded, as a necessary introduction to the brief account we would now give of Mr Bode's Dissertation.

This performance received the prize given by the Royal Academy of Sciences, at Göttingen, and forming, as it probably does, the *coup d'essai* of its young author, is certainly a most honorable monument, not merely to his erudition, but to the far rarer merit, his sagacity and judgment. Mr Bode does not enter at all into the particular description of any of the works, that have descended to us under the name of Orpheus. Assuming their spuriousness, he aims only to establish the country, age, and character of the poet; and of him not as one historical personage, but only as the representative of a primeval school of bards; in like manner, as, since the publication of Wolf's prolegomena, Homer himself is no longer considered in the light of one historical personage, but as the head and representative of an entire school. If it be thought, on the one hand, that a disputation relative to a poet, whose personality is not contended for, and whose name only is used for convenience, to designate a succession of bards, that probably flourished during several ages; a disputation proceeding (not like that on the Homeric Poems) upon the actual inspection and criticism of the preserved works of the school, but on casual notices gleaned from subsequent authors;—if it be thought that this must be of somewhat shadowy and over subtle character; it must be remembered, on the other hand, that the object mainly on this occasion was to give proof of learning and ingenuity; that nothing is more unreasonable than to judge of an occasional performance, by any other test, than its adaptation to the occasion; and that Mr Bode is in no degree responsible for the choice of the subject.

Although it appears in the modest guise of a prize dissertation, this performance is a quarto volume of near two hundred pages, of which at least two third parts are in the fine type of the notes. It is therefore a work of compass and

labor. It consists of a prolegomena and three chapters. In the prolegomena, the author treats what the Germans call technically the *literature* of the subject. He gives an account of the sources, from which, in a period of subsequent antiquity, information was to be gathered of the nature of the Orphic poetry, and from which it may yet be gathered, as far as those sources are still accessible ; and then mentions the modern treatises either wholly or partly devoted to this subject.

As regards the ancient sources, Mr Bode, in contradiction on the one hand, to those who have erroneously averred that Orpheus is commemorated by Homer and Hesiod, and, on the other hand, that the first mention is made of him by Pindar or Herodotus, has justly named Pherecydes Lerius and Terpander, as the oldest authorities. After Terpander, our author makes it probable that the name of Orpheus was known to the Logographi, who preceded the classical historians ; and who, from the lyric and still more the cyclic poets of their own and an earlier age, must have derived a traditionary acquaintance with Orpheus. There are manifest traces that Pherecydes of Athens and Hellanicus had paid particular attention to the traditions relative to Orpheus ; and Herodotus, whom Mr Bode refers to the same class of writers, wrote a work, as we learn from a passage of Olympiodorus preserved in Photius, expressly on the subject. After this period, our author does not think it necessary to enter into an enumeration of all the names ; and specifies only Androtion and Philochorus, as writers *de rebus Atticis*, who appear to have treated expressly of Orpheus.

In a like cursory manner are passed over the ancient authors on literary history and biographical writers, some of whom, by strong presumption, and most, as we certainly know, made mention of Orpheus. Mr Bode, in passing, commends and asserts the opinion quoted by Cicero from Aristotle, 'Orpheum poetam *nunquam* fuisse ;' an alarming judgment, it must be owned, for a tractate entitled *Orpheus Poetarum Græcorum antiquissimus ;* but sufficiently explained, in the intimation we have already given of Mr Bode's views, as to the personality of Orpheus. Our author next briefly alludes to the labors of the Alexandrian grammarians,

of the platonising Christians, and of the Jew, Aristobulus, who appears, in the time of Ptolemy Physcon—ab inflato ventre sic appellatum—to have given the first impulse to that unwise criticism, by which the fathers of the Greek church were so long fascinated, namely, that of deducing all the sublime notions of the Greek poets on the subject of the gods, or the divine principle, from the Jewish Scriptures. We have not time to analyse the few sections, in which the labors of modern scholars on the subject are commemorated by our author. He refers to a work of the renowned antiquary Zoega, *Reliquiæ Hafnienses*, in which everything contained in the ancients relative to Orpheus is collected; it having been the design of this learned Dane, as we read in Mr Welcker's notice of him, to publish an edition of the Orphic remains.

Having thus prepared the way, by this learned indication of the sources of information from which a knowledge of the subject may be gained, Mr Bode proceeds, in chapter first, to ascertain the *period* of the Orphic Poetry. This period is fixed by him at the age preceding Homer. This proposition involves a learned inquiry into the age of Homer, and the date of the Trojan war. In the result of this inquiry, Mr Bode assumes the middle of the tenth century before our Savior, as the period of the Homeric poems; and throws back the commencement of the Orphic school to the thirteenth century.

Connected with this part of the discussion is one equally original and learned, of the question, whether epic poetry had its origin in Ionia. The affirmative of this question, we need not say, is almost universally held; but we advise all, who can bear to have their fixed opinions shaken, to read what Mr Bode has advanced on this topic, pages 63—69. That the age of Orpheus preceded that of Homer is established by the nature of the case, which requires that a lyric should precede an epic school; and by the historical fact, that all the most ancient names recorded of Greek poets belong to the style of Orpheus, and not to the epic. In a strain rising into true eloquence, our author sets forth the condensation into one personage, under one name, in those ages of the world, which precede historical monuments, of whole genera-

tions of poets, heroes, and men. No abstract or translation would do full justice to his reflections on this theme, and we must accordingly refer our readers to the eighteenth section of his work, p. 72. The other topics treated in this section, such as the great Doric revolution; the labors of the princes of the family of Pisistratus, on the poems as well of the Orphic as the Homeric school; the fate of the Orphic poetry among the disciples of Pythagoras and at Alexandria, are all treated in a masterly manner, but one, from the cumulative nature of the argument, and the great compression of matter, not capable of much abridgment.

The second chapter is devoted to the *country* of Orpheus, or rather of the Orphic poetry. Mr Bode has here also ventured to dissent from the general opinion, which makes the Thrace of the classical age, that is, the country north of the Hellespont and the Ægean, the primitive abode of refinement; and maintains, on the contrary, that *the* Thrace thus signalised, was the lower regions of Macedonia and Thessaly. He assumes the Thracians to have been more ancient than the Hellenes, and, with the Pelasgi, one of the primitive tribes of Greece. In this connexion, we find very profound and ingenious remarks on the Pelasgi, and the primitive dialect of Greece; and in opposition to the mass of writers, who regard the epic or Homeric as the oldest form of the language, Mr Bode confers that character on the Doric. The most operative causes of the decline of the Orphic, and the rise of the Homeric school, are found by our author, in the circumstances attending the Doric revolution and the colonisation of Ionia.

The last chapter treats the *nature* of the Orphic Poetry. Denying that any dependence can be placed on the productions, which now bear the name of Orpheus, and which are of epic, didactic, and lyric nature, Mr Bode resorts exclusively to the hints found in ancient authors, and to sagacious reasonings on the progress of the human mind and taste, to solve the last remaining problem. We presume that few will be inclined to refuse assent to his conclusion, that the Orphic poetry was lyrical in its style and religious in its matter; and that its principal compositions were hymns. It is impossible for us within our limits, to follow him through

this last branch of the subject, and we will only observe, that his remarks on the Grecian poetic cosmogonies, on the mysteries, on the twofold Dionysius of the ancient Greeks, on the union of the mythology of Apollo and Bacchus, on the Orphic lyre, are characterised by a display of choice learning.

On the whole, this essay marks a scholar of rare promise; and it encourages us to expect much from a work, which Mr Bode has announced in his preface, a history of the Greek poets, written in German, on the plan of Bouterwek's history of poetry and fine writing in the modern languages. Experience and time will correct the only imperfections we have noted in this interesting writer; an occasional discursive profusion of learning, and sometimes a tartness of manner, in speaking of living writers, especially the French, which philologians, we know, are apt to assume, but which is better spared.

We own we have been at the greater pains to fix the public attention, through the medium of this journal, on Mr Bode's work, because its ingenious author has lately taken up his abode among us, and deserves a hearty welcome from the friends of learning and of education. He has been tempted from flattering prospects in Germany, to cross the Atlantic, not unattended with the warm recommendation of the fathers of science at Georgia Augusta. We rejoice that he will find, in the admirable institution of Messrs Cogswell and Bancroft, a worthy field of exertion; the cooperation of liberal associates in the formation of ingenuous minds. We trust he will yet have the happiness of hearing not a few of the scholars of the next generation, boast of the favored spot to which he has been called, in his own expressive words, 'ex illius terræ saltuosis montibus et consecratis lucis alma Musarum numina, mitem Gratiarum cupidinisque cultum, et mansuetam Apollinis et Dionysii religionem ad se descendisse.'

ART. VII.—*Codice diplomatico Colombo-Americano, ossia Raccolta di Documenti originali e inediti, spettanti a Cristoforo Colombo, alla Scoperta ed al Governo dell' America, publicato per Ordine degl' Ill^mi Decurioni della Città di Genova.* Genova. 1823. 4to. pp. 80—348.

THE memory of Columbus ought to be peculiarly dear to Americans. He it was that disclosed to astonished Europe the rich expanse of this western world. The penetrating and adventurous Italian revealed to his cotemporaries, and through them to our fathers, the path across the broad ocean, which sunders the two great continents of the earth. Taught by his wisdom, and guided by his resolute spirit, the nations of Europe sent forth colony after colony, allured by the silver imbedded in our mountains, or driven hither by intolerable oppressions at home, to explore, to conquer, and to people the wide regions of America. We, in common with the whole human race, are under infinite obligations to him for giving an extension to the efforts of commercial enterprise, of which no past ages could have formed any conception; for opening to mankind a boundless field for the exertion of industry, skill, intelligence, the cultivation of science, literature, and the arts, and the acquisition of riches and all its consequent advantages; for giving that impulse to colonisation, by reason whereof so many enlightened millions have sprung up to inhabit the soil he discovered; in fine, for enlarging the bounds of civilisation and improvement, by adding another world to their empire.

But our own duty of gratitude is more peculiarly imperative. That we subsist as an independent state, perhaps that we have being as individuals, that it is our happy lot to constitute a free and flourishing republic, that we enter into the great family of civilised nations, who inhabit this continent, is because the Genoese mariner conceived and accomplished his splendid enterprise. It matters not whether any equally daring navigator in remote antiquity, impelled by chance, by design, or by the violence of winds and waves, had succeeded in piloting his frail galley along the selfsame track with Columbus. Plato may have learnt of the Atlantic Isles from

the priests of Egypt. The sublime vision of Seneca was not, it may be, entirely prophetic. The Phenicians, those intrepid seamen, who circumnavigated Africa, might have made, also, the far less perilous voyage to America. But, if they did, the belief, nay the memory of the event was already become, in the lapse of ages, as if it had never been unfolded to man; and therefore it detracts nothing from the glory of Columbus.* True it is, likewise, had he never drawn the breath of life, or had his overpowering conviction of the existence of undiscovered lands, far off in the western ocean, perished with himself, still among those acute and bold Italians, who abounded in every court of Europe, another Columbus might have arisen to develope the grand secret, blest in imparting it to a more worthy master than the jealous, ungrateful, and bigoted Ferdinand. Yet who will undertake to unrol the stupendous consequences depending on the single incident of the discovery of America, at that conjuncture and under those circumstances, and by the very person to whom destiny did actually give it in charge? Who is capable of conceiving what chain of extraordinary events might have ensued, if the discovery had taken place under materially different auspices? What influence, baneful or fortunate, it would have exerted upon our fate, no mortal eye can trace; and we may be content, therefore, with reiterating our grateful acknowledgments to the enterprising genius of Columbus.

We cheerfully avail ourselves of the favorable opportunity afforded us in the publication of the *Codice di Colombo*, to redeem a portion of our debt to the illustrious navigator, by laying before our readers certain facts in relation to him, derived from that book, and from others lately printed in Italy, which we apprehend are not very generally known in the United States. Passing cursorily over the voyages made by Columbus in the service of Spain, and his doings in the West Indies, which are all matters of public notoriety, we shall confine ourselves to the narration of the incidents of his private and early life, his family history, and such personal particulars of his later days, as do not appropriately fall to the province of the historian.

In preparing to give an account of the life of Columbus, we are met on the threshold by the acrimonious controversy,

* See Columbus' Letter to Sanzio, Edin. Rev. No. LIV. 510.

which has existed in Italy, concerning his birthplace and parentage. For it is remarkable that Ferdinand, the son of the Admiral, who wrote a very full account of his father's life, and who was sixteen years old when the latter died, seems to have been wholly uncertain as to the place, either of his father's nativity, or of his extraction.* The number of states or cities, which claim the honor of giving him birth, and the patriotic zeal displayed in the defence of their conflicting pretensions, call to mind the similar disputes in regard to the origin of Homer, commemorated in the well-known Latin verses;

> Septem urbes certant de stirpe insignis Homeri,
> Smyrna, Rhodos, Colophon, Salamis, Chios, Argos, Athenæ.

As the old and generally credited opinion, that Columbus was a native of Genoa, or its immediate neighborhood, appears to us, on attentive examination, to be supported by irrefragable proofs, we shall first briefly explain the merits of the controversy upon this point, and then proceed in relating the facts conformably to our own belief.

Of the opinions, which conflict with the pretensions of the Genoese, two alone are entitled to any consideration; one, that Columbus was born at Cuccaro, a castle in Montferrat, about fortyfive Italian miles from Genoa, and the other that he was born at Pradello, a village of the vale of Nura, near Piacenza. Among the Genoese, indeed, a question has arisen whether the city itself was his birthplace, or some one of the suburban villages; of which more in the sequel. He is also claimed for Cossena, and a noble house in Modena are not unwilling to adopt the discoverer of America into their line; but these last pretensions are so utterly groundless, that they answer no other purpose than to show how many families

* See Churchill's Collection of Voyages and Travels, Vol. II. p. 559; and Barcia, Historiadores Primitivos de las Indias Occidentales, Tom. I. p. 1. We have spoken thus cautiously of Ferdinand's opinion concerning his father's origin, because it is a little contradictory. He calls the place of his birth unknown and uncertain; and yet a few lines before says, by implication, that he belonged to the *seacoast*. (loc. cit. c. 1.) Again, in speaking of his father's arrival at Lisbon, he uses these very remarkable words; 'where he (Columbus) knew there were many *Genoeses his countrymen*,' as our English translation gives it; or as Barcia has it, 'donde sabia se hallaban muchos de *su nacion Genovesa*.' Churchill, II. 564; Barcia, I. 4.

of his name existed in Italy. We shall endeavor to refute, therefore, only the arguments of the Piedmontese and Placentians, and after proving them inconclusive or unsound, state our reasons for thinking the Admiral was a Genoese.

The claim of Pradello may be very shortly dismissed. An Ecclesiastical History of Piacenza was published in 1662, by Pier Maria Campi, which contains the only evidence of Columbus' having originated at Pradello. This evidence consists principally of an award, purporting to have been made in the vale of Nura in 1481, which states that one Bertone de' Duzzi had formerly rented, of the *late* Domenico de' Colombi *of Genoa*, a certain estate in Pradello, which Domenico held in trust from his grandfather Bertolino; that Bertone, and subsequently his son Tommasino, had regularly paid the rent of eighty *lire* to Domenico, and after his death to *his sons Christopher and Bartholomew;* but that they having now for ten years been absent from Genoa, *gone*, it was reported, *in search of unknown islands*, and nothing having been heard of them for a long time, Tommasino de' Duzzi had not only refused to pay the rent, but had undertaken to commit waste and make sale of the estate; whereupon proceedings were instituted by Domenico and Giovanni Columbus, cousins of Christopher, which terminated in judgment in favor of his father's heirs. Now there is a violent presumption against the authenticity of this document, which we pass over as wholly immaterial; for if the instrument proves anything whatever, surely it proves that the Admiral, and his father likewise, resided at Genoa. It merely leads by inference to the supposition that Bertolino, Christopher's great grandfather, *may* have lived at Pradello.*

The claim of the Cuccaro family is maintained with much greater show of reason at least, but on no more substantial grounds. Indeed, the advocates of it are compelled to admit, that Columbus was born at Genoa, but they represent his father and his family to have been of Cuccaro. The story is occasionally mentioned by writers, so early as the close of the sixteenth century. Thus Herrera says he was born at

* Storia Ecclesiastica di Piacenza, Tom. III. See Tiraboschi, Storia della Lett. Ital. v. vii. p. 228; Bossi, Vita di Christoforo Colombo, p. 46; Cancellieri, Notizie Stor. e Bib. di Colombo, p. 26; Durazzo, Elogio di Colombo, p. 7; Spotorno, Codice, &c. Introd. p. 8.

Genoa, but as to his extraction, some affirm he was of Cuccaro, some of Piacenza.* And at a later period, even Denina thought strong reasons were not wanting to support the pretensions of Cuccaro.† But these reasons were not fully collected, nor very formally presented to the public, until the appearance of Napione's Dissertation on the Country of Columbus. In consequence of the publication of this book, the Genoese Academy appointed three of their number, Serra, Carrega, and Piaggio, to examine the subject; and their labors resulted in a most conclusive vindication of the received opinion.‡

The whole story arose out of the proceedings in a lawsuit, instituted in Spain in 1578 by one Balthazar Columbus of Cuccaro, to obtain possession, as heir at law, of the *majorat* created by the Admiral; this splendid inheritance being then rendered vacant by the extinction of his male line. Nuño de Portogallo, Count of Gelves, a descendant of the Admiral, through his granddaughter, claimed the property, which yielded a yearly income of twentyfour thousand crowns; and several adverse claimants appeared, partly Spaniards, partly Italians, all of whom were speedily disposed of by the Council of the Indies, except Balthazar Columbus. Napione's argument rests upon the testimony, pleadings, and other papers, in this case, although it was finally decided in 1608 against Balthazar, and in favor of the Count of Gelves.

On the death of Diego, the last lineal male heir of the Admiral, letters were written to inquire about his family. Balthazar was then living at Genoa, and recollecting that the Admiral's father was named Domenico, and that one of his family had borne that name, he went to Cuccaro, and with the aid of his friends, constructed a genealogical tree of his family, which was all accurate enough, except that the Admiral was represented therein as the son of Domenico of Cuccaro. Many illustrious persons, it seems, belonged to this family; for in 940 the Emperor Otho the Second con-

* Historia de los Hechos de los Castellanos, Dec. I. l. 1, c. 7.

† Rivoluzioni d'Italia, l. xv, c. 9.

‡ See 'Della Patria di Christoforo Colombo,' first presented in 1805 to the Academy of Turin, and afterwards republished by itself at Florence, written by Gian Francesco Galeani Napione, a Piedmontese; and 'Ragionamento nel Quale si conforma l'Opinion Generale intorno alla Patria di Cristoforo Colombo,' by the Genoese Academicians.

firmed to three brothers, Pietro, Giovanni, and Allessandro Colombo, some very extensive possessions in Lombardy; and in 1419 the Marquis of Montferrat gave the investiture of sundry rich feuds to the children of Lancia Colombo, one of whom was Domenico, the pretended father of the Admiral.* Armed with his fictitious pedigree, which took for granted the fact of the Admiral's relationship, Balthazar laid his case before Giovan Pietro Sordi, a celebrated lawyer of Montferrat, who gave an opinion in his favor. Napione, pronouncing a high eulogium upon Sordi's acuteness and learning, relies in the first place upon his opinion. Without calling that in question, it is a sufficient reply, that Sordi's opinion proceeded upon the case stated by Balthazar. It was a decision of the question of law, growing out of the supposed facts, and nothing more, leaving our present question untouched.

Balthazar next proceeded to take depositions in the vicinity of Cuccaro to establish the only material fact, the relationship of the Admiral; and with these he prosecuted his suit before the Council of the Indies. The cause was decided upon the legal construction of the settlement, the Count of Gelves considering it unnecessary to draw into question the facts alleged by his adversary. Napione again contends, that the other party admitted the correctness of Balthazar's pedigree; but in truth they did no such thing; for they merely said, we will not subject ourselves to the trouble and expense of disproving the fact, when, admitting the fact, the law applicable to it is clearly with us. Moreover, after this, Balthazar's claim was adjudged upon the merits; for becoming reduced to extreme poverty, he applied to the Council of the Indies for the benefit of a provision made by the Admiral in behalf of his poor relations; and his petition, although not opposed by the other party, was rejected on the ground of his failing to prove his relationship. And this application for support as a pauper furnishes an answer to another allegation of Napione's, namely, that Balthazar compromised his claim for the sum of twelve thousand gold doubloons.

The sentence of the Council of the Indies, therefore, was directly against Balthazar, upon all the questions involved in

* Herrera, ubi supra, Dec. I, l. 1, c. 7; Tiraboschi, ubi supra, p. 230.

the controversy. But the judges, it may be said, were prejudiced in favor of a Spanish nobleman; or they were bribed or overawed by a wealthy or potent family; or they were betrayed into honest errors of judgment; in short, the court was ignorant, or it was corrupt. Whether it was so or not, ourselves may judge; for we are in possession of the whole case as presented to the court; and let every one examine for himself into the merits of the dispute.

The sole question is, whether the Admiral was or was not the son of Domenico of Cuccaro; and this, being a question of fact, must be established by evidence. Now the only evidence adduced, is the body of depositions procured by Balthazar at Cuccaro; and there is a short answer to the whole of them; inasmuch as, give them what credit you will, they amount to nothing more than *hearsay* evidence of the most suspicious character. Not one of the deponents pretends to depose to the fact, as of his own knowledge; nor is it possible he should; for the depositions were taken one hundred and forty years after the event to which they relate happened. They testify, in truth, to *hearsay and reputation.* Now it is a well known principle in the law of evidence, that hearsay evidence of a fact is inadmissible. To this rule there are some exceptions. Thus, the declarations of deceased members of a family are admitted, under certain qualifications, as evidence of pedigree. But such declarations must come from members of the family; they must not be tainted with any imputation of bias; and if made *post litem motam*, that is, after the commencement of a lawsuit, nay, after a dispute has arisen, they are universally denied to be evidence in all courts. Now, when we apply these considerations to the case before us, and reflect that the relationship of the Cuccaro family to Columbus was never heard of, until Balthazar set about establishing his claims to the Admiral's magnificent estate, truly we cannot hesitate in saying that the depositions were undeserving the slightest regard as judicial proofs. Besides, admitting the testimony of these witnesses to be true; admitting that sundry persons of the generation preceding them did tell them the Admiral was of Cuccaro; still it would avail nothing. When the fame of the Admiral's exploits came to pervade every corner of Italy, how natural would it be for the dependants of Cuccaro to hope, to con-

jecture that he issued from the castle; how easy for this conjecture to be magnified into assertion, this assertion to pass to belief, and this belief to be the common rumor of the vicinage.

We must adopt some such explanation as this, or else we must charge the deponents or their informants with wilful falsehood; for certain it is, independently of the positive proof hereafter to be adduced, of the Admiral's Genoese origin, the testimony of Balthazar's witnesses contain many statements on the face of them intrinsically incredible, and irreconcilable with undisputed facts. Not to labor this point too much, we will mention but two or three examples. One is, that some of the deponents say the Admiral and his brothers were *born* at Cuccaro, which even Balthazar himself was compelled to disclaim. Again, Domenico Colombo of Cuccaro confessedly died in 1456; and yet the Admiral held intercourse with his father at a much later period, as we learn from the Spanish writer Oviedo. Furthermore, we have the testimony of all the historians, including Ferdinand Columbus, that the Admiral was poor, and of poor parentage; and yet, as we have seen, Domenico Colombo of Cuccaro was the son of a rich feudatory, and inherited very considerable property. Lastly, the fact of Ferdinand's being ignorant of his father's family is ample proof, that they were not wealthy nobles; for if so, would the Admiral have concealed it from his own domestic circle? Instead of shunning the mention of it, would he not rather have sedulously made public a circumstance, so well calculated to further his views, and facilitate his intercourse with the haughty Spanish grandees?*

We think whoever has followed our argument thus far will be perfectly satisfied, that Domenico, the Admiral's father, was a very different person from Domenico of Cuccaro. Indeed, other things out of the question, the advocates for their identity would have no right to presume it, unless they could prove it impossible for two men of that name to be living at the same time in all Italy. But the evidence of their not being the same person, and of the Admiral's Genoese

* Concerning the Cuccaro claim, besides the books already cited on that point, see Tiraboschi ut supra, p. 229; Cancellieri, Notizie, passim; Spotorno, p. 8 and 64; Napione, del Primo Scopritore del Continente del Nuovo Mondo, Pref.

origin, is such, we venture to say, as no candid mind will controvert. The proofs of this consist of the declarations of several highly respectable writers, fortified by the belief of all the most credible later historians; of certain documents relating to the occupation and residence at Genoa of a family corresponding to his; and of sundry expressions and acts attributed to the Admiral. These we now proceed briefly to state.

In referring to the authors, who are cited in support of the Admiral's Genoese origin, we shall omit those of his cotemporaries, who, like P. Martyr, merely designate him as a *Ligurian*.* For although we apprehend they intended to restrict the word to the *Ligurian* or Genoese *republic*, yet unquestionably it is susceptible of, and often receives, a much wider meaning. Thus Denina, in speaking of this very subject, observes that the commercial prosperity of Genoa would naturally attract persons from all other parts of '*Liguria*, that is, Mondovi, the Langhe, and *Montferrat*.'† We begin with the nuncio Alessandro Geraldini, afterwards first bishop of St Domingo, and of the Indies, a personal and very particular friend of the Admiral's, who relates some valuable facts concerning him, commencing his account thus; 'Christopher Columbus, an Italian, was from Genoa, a city of Liguria.'‡ To the same effect is Agostino Giustiniani, bishop of Nebbio, who published at Genoa, in 1516, a psalter in Hebrew, Greek, Arabic, and Chaldaic, and in commenting on the verse, *Their line is gone out through all the earth, and their*

* 'Colonus quidam, Ligur vir.' These words occur in P. Martyr's first letter, written to Cardinal Ascanio Sporza, in November, 1493, and containing one of the earliest published accounts of the discovery of America. De Rebus Oceanicis, Sec. I. l. 1. Dec. I. l. 1. The oldest book published on the subject, is a Latin translation of a letter written in Spanish by Columbus, on his arrival at Lisbon, in March, 1493, addressed to Don Raffaelle Sanzio. This was printed at Rome the same year; and several copies of this first edition are now extant. An exact transcript of the Latin, accompanied by an Italian translation, is printed by Bossi (p. 167.) and an English translation in the Edinburgh Review. (No. LIV. p. 505.) The original Spanish is preserved in the MS history of Bernaldez, as quoted by Muñoz. (Prol. p. 11.) It is a copy of this tract, which, as we learn by the newspapers, was lately sold in London for £33. 12*s.* and purchased by the Duke of Buckingham.

† 'Uomini di tutte le parti della Liguria; cioè delle Langhe, delle Provincie del Mondovi, e del Monferrato.' Revoluzioni d' Italia. l. xv. c. 9.

‡ Itinerarium ad Regiones sub acquinoctiali Plaga Constitutas, l. xiv. See Cancellieri, p. 63; Napione, Ragion. p. 74.

words to the end of the world, gives an account of the discovery of America*. Bartolommeo Senarega a Genoese, wrote Annals of the Republic during his own time, from 1448 to 1514, and describes the Admiral and his brother Bartholomew, and their parents, as of Genoa.† The same statement is made by Antonio Gallo, who wrote a tract on the voyages of Columbus, and by Uberto Foglietto, in his Eulogies of Illustrious Ligurians, both Genoese writers of that day; and by the author of Cademosto's voyages, or Itinerarium Portugallensium, published in 1507, at Venice.‡ All these were cotemporary authors, men of undoubted intelligence, possessed of the means of obtaining accurate information upon this point, and several of them men, whose characters and station must put them above the suspicion of hazarding a light or unadvised assertion. Their declarations, deliberately made and recorded in grave writings, appear to us hardly less conclusive, than if they were clothed in the solemnity of judicial testimony.

As to the opinion of later writers in different countries, it is of weight only in this one respect, namely, that in all doubtful questions of fact, the presumption is in favor of the side adopted by the most intelligent men. But as the great body of respectable authors in Italy, and out of it, accord in believing the Admiral a Genoese, nothing is needed here but to indicate a few of the most distinguished, whose writings have fallen beneath our eye. The writers in our own language will speak for themselves, from honest old Purchas down to Robertson and Belknap. Of Spaniards we may notice Herrera, Mariana, Pizarro y Orellano, Muñoz, and Lampillas; of Frenchmen, Voltaire, Charlevoix, Langeac; of Italians, Benzone, Giovio, Muratori, Tiraboschi, and Andres; specifying these few great names only, as the representatives of the better opinion in their respective nations.

The documentary evidence composes the next class of proofs. It is an ascertained fact, derived from various documents, such as every municipal corporation affords, that the

* See Tiraboschi, ut s. p. 231; Everett's Plymouth Oration, p. 64.

† Muratori, Scriptores Rer. Italic. vol. xxiv. p. 535.

‡ Muratori, v. xxiii. p. 301; Tiraboschi, ut s. p. 232; Folietæ Elog. Clar. Lig. in Grævii Thes. Antiq. Italic. I. 770. Cademosto is reprinted in Grinæi Nov. Orb

city of Genoa contained persons of the name of Colombo, so early as the year 1190, and from thence down to the sixteenth century. In the last years of the fifteenth century, not unfrequent mention is made in Savonese papers, of a family answering precisely in name and description to the Admiral's, as being of Genoa. These documents are of unquestioned authenticity. The countrymen of the great navigator were, as we have seen, first made fully acquainted with his wonderful discoveries, in the notes to a polyglot psalter; and about a hundred years afterwards, the proofs of his originating them were published in a place equally strange, namely, in a Commentary on Tacitus, by Giulio Salinerio, a lawyer of Savona. A specimen of these will suffice. In a writing dated 1470, we find the words, 'Domenico Colombo, a citizen of Genoa, [son] of the late Giovanni of Quinto.' In another of the same year, 'Domenico Colombo of Genoa.' In one of 1473, 'Domenico Colombo of Genoa, an inhabitant of Savona.' In one, which has no date, are the words, 'the brothers Christopher and Giacomo Colombo, sons and heirs of the late Domenico their father;' and the words 'Christopher and Giacomo, called Diego.' And in one dated 1501, there is this clause; 'said Christopher, Bartholomew, and Giacomo Colombo, sons and heirs of the late Domenico, their father, now for a long time absent from the city and *posse* of Savona, beyond Pisa and Nice of Provence, and commorant in the parts of Spain, as it has been and is notorious.' In addition to these, it appears, on examining the notarial archives of Genoa, from 1456 to 1489, that mention of the same persons repeatedly occurs, in notarial acts of the day.* What answer can be given to evidence of this description?

We shall briefly refer to the acts and writings of the Admiral himself, which conclude the argument. We pass over his alleged proffer to go to the Indies in the service of Genoa; because the story has been thought somewhat apocryphal. Not so the following facts. In the archives of St George are preserved some extracts from a will, made by the Admiral in 1497, in which, assigning for reason, that he was *born in Genoa, (siendo yo nacido in Genova,)* he bequeaths a legacy to

* See Tiraboschi, p. 227; Bossi, p. 54.

the Republic; and in another part of the same testament, occur the words, 'because I came from there, (Genoa) and there I was born.' In the same archives of Genoa, is a letter written by the Admiral, to the magistracy of St George, in 1502, informing them he had enjoined it upon his son to pay to the Republic a tenth part of his revenue, to reduce the tax on provisions; and that he had sent them, *by Nicolò Oderigo, a copy of his charters* for the use of their citizens. Here, also, he impliedly calls Genoa his birthplace, saying, 'that although he had been a long time far away from *his country*, yet by no means had his heart been alienated therefrom.' The Corsini library, at Rome, contains a Breviary, once the property of the Admiral, to whom it was presented by Pope Alexander the Sixth. On a blank leaf of this book is written a codicil, made according to military usage, dated at Valladolid, May 4th, 1506, in which he bequeaths the book to his 'most loving country the Genoese Republic,' orders the erection of a hospital for the benefit of the poor, and, in default of his male heirs, appoints the Republic to succeed to his public offices. We will not waste time in considering the frivolous objections, made to the authenticity of these several documents by Napione, and those who agree with him in sentiment. Suffice it to say, there is no mark of forgery about them, but on the contrary they will satisfactorily sustain the strictest scrutiny, and the best informed writers are convinced of their genuineness.*

The citations, that we have given, are an answer to another question, which has been a little debated, namely, whether Columbus was born *in the city* of Genoa. Several villages near Genoa have each had the credit of being his birthplace. His grandfather was of Quinto; his family possessed a small house at *Terra Rossa*, between Quinto and Nervi; his father lived a short time at Mulcento; and he had relations residing at Cogoleto; in consequence of which those places have divided the public sentiment. But the weight of testimony, in our opinion, is in favor of Genoa.

The *Cordice di Colombo* furnishes confirmation of the foregoing documents. It is the very copy of his charters, alluded to in the Admiral's letter to the officer of St George.

* Spotorno, p. LXV; Concellieri, p. 3; Tiraboschi, ut s. p. 235 not.; Bossi, p. 54; Durazzo, Elogio di Colombo, p. 10.

It also contains a letter written to Oderigo, in which the legacy of 1502 is expressly named, and the letter of the magistracy to Columbus, making him acknowledgments for the legacy, and addressing him throughout as a Genoese.*

In consideration of all this mass of testimony, drawn from different quarters, and of various kinds, we feel justified in pronouncing the opinions commonly entertained upon this point to be correct. We are unwilling to conceive or utter harsh things of the Piedmontese writers. But we cannot avoid being struck with the *pugnacity* of temper, manifested by them in a very great degree, and in some measure, we admit, by the Genoese; and the disingenuousness and obliquity of mind, which that temper induces. And all for what? Why, for the mighty purpose of arrogating a little unmerited honor to the petty duchy of Montferrat, by detracting a little from the proud historic recollections of the prostrate Republic of Genoa. And this, in the vocabulary of these degenerate Italians, is patriotism!

Domenico Colombo, the father of Christopher Columbus, was a manufacturer of woollen stuffs in Genoa, and rather low in his circumstances. He married Susanna Fontanarossa, and by her had three sons, named, in the order of birth, Cristoforo, Bartolommeo and Giacomo; and a daughter, afterwards married to Giacomo Bavarello, a cheesemonger. There is no reason to believe any of his immediate ancestors were men of honorable condition. Certain it is, they were poor; and nothing more is known of their occupation, except the simple fact of their being chiefly employed in maritime trade. The name itself was quite common in the north of Italy; and although several noble families bore it, yet so also did many others of plebeian rank. When the Admiral came to reside in Spain, he changed the name of *Colombo* to *Colòn*, in Latin Colonus. This he did, partly in order to render it more conformable to the Spanish idiom, and partly, perhaps, influenced by the desire, which he manifested on some other occasions, of being regarded by posterity as the head and founder of a distinct lineage.†

* We might mention here, in addition to the above, the indirect evidence arising from Bartholomew Columbus' having called himself a Genoese, in the chart presented by him to Henry the Seventh of England. See Ferdinand Columbus, in Churchill, p. 575; and Barcia, p. 10.

† The first chapter of Ferdinand's history contains many superstitious follies about his father's name. Among other things, he pleases himself with the idea,

Christopher was born in 1447. He passed a part of his early youth in the employment of wool carding, but was permitted to spend some time, how much is unknown, at the university of Pavia, where he learnt Latin, and attended to the studies connected with the art of navigation, especially drawing, astronomy, and geography. The vicissitude and variety of a nautical life, and the fame and wealth which successful Captains acquired under the flag of the flourishing Italian republics, appear to have attracted him, at a very early age, to the occupation of his ancestors. At the age of fourteen, he betook himself to the sea, and ever after followed it, with very short intermissions. During the long period previous to his settlement in Spain, his voyages, although occasionally to different parts of the Atlantic, were mostly in the Mediterranean; sometimes merely commercial, but more frequently expeditions of war.

The Mediterranean Sea, in the fifteenth and sixteenth centuries, was rendered a theatre of maritime warfare by various causes, growing out of the vicinity of the Turks and Barbary powers, the dissensions of the Italian states, and their impolitic connexions with transalpine princes. Among other things, the conflicting pretensions of the houses of Anjou and Aragon to the throne of Naples, frequently convulsed all Italy. Genoa had become involved in this disastrous dispute, and had taken part so zealously with the Angevins, that she was compelled to seek protection against the Neapolitans, by throwing herself into the arms of France. About the time when Columbus first went to sea, René of Anjou, Count of Provence, was making another desperate attempt to regain the crown; and his son succeeded in assembling a large squadron at Genoa, by commissioning individuals to arm privateers in his service. Of this number was a celebrated Corsair, called Columbus the younger, to distinguish him from an equally celebrated captain of that name, who had preceded him in the same career, and had become famous by his cruises in the Levant, in the Adriatic, and on the coast of Barbary. The future discoverer of America was connected with this person, by some ties of

that his family is derived from Junius Colonus, procurator of Pontus, under the emperor Claudius. But in truth this person was named Junius *Cilo*, not *Colonus*. Tacitus, Annal. l. xii, c. 21.

relationship, and, as there is reason to believe, commenced a marine life under him in this expedition against Naples; and long continued under his orders. We know little of the Admiral's history at this period, but what we know is characteristic of his adventurous spirit, and exhibits the same intrepidity, and the same readiness of expedient, which afterwards immortalised his name.

He was once sent from Marseilles to Tunis by René, in pursuit of an armed galley. Soon after they sailed, his crew learnt that the Barbary cruiser had other vessels in company with her, and insisted upon turning back for additional force. Columbus finding all open attempts to resist their wishes ineffectual, pretended to yield; but as nightfall came on, he secretly altered the points of the compass, so that his vessel continued her course, while the crew thought they were steering for Marseilles. Another exploit has been attributed to him with some probability, although the credit of it may possibly be due to his namesake. In 1475, as a Venetian squadron was cruising off Cyprus for the defence of the island, it met 'Columbus with ships and galleys;' and although the Venetian captain had recently twice attacked a Genoese ship, yet Columbus, by sailing boldly up, and crying 'Viva San Giorgio,' passed unmolested. Nothing more is known of this affair; nor is it possible to determine with certainty who this Columbus was; but as the Admiral was in those seas near that time, it is quite probable that he commanded the Genoese squadron. Again, in 1477 we find him making a voyage to *Frisland*, the mysterious island so frequently mentioned by navigators, but now seemingly vanished from its place in the ocean.* He speaks of this voyage himself, as quoted by his son, calling the island *as large as England*, and saying that he sailed a hundred leagues beyond lat. 73°, its northernmost point. We know not the specific object of this voyage; but his purpose, as he intimates, in penetrating so far into the polar circle, was to prove the error of the ancient geographers, who represented the arctic zone as uninhabitable. Thus early does he appear to have been gaining correct notions of the structure of the earth.

Meantime, Domenico Colombo had, in 1470, removed his residence to Savona. Here, it may be, the Admiral

* Belknap's Am. Biog. I. 67.

lived whilst on shore; as a testament is produced, dated 1472, to which he subscribed his name as a witness. This would seem to be hardly enough to make him a citizen of Savona; although it gave the Savonese poet, Chiabrera, occasion to say, 'that he imitated the example of Christopher Columbus, *his fellow citizen;* that he wished to find a new world or to sink.'* But the destiny of Columbus soon led him to fix his residence remote from Italy, and in a country where his thirst for geographical knowledge met immediately with the stimulus, and the satisfaction, which it required.

This change of residence was brought about in the following manner.† After he returned from the North Sea, he served with the Corsair Columbus the younger, on various marine expeditions. At length, receiving intelligence that a squadron of rich Venetian galleys were on their passage home from the Low Countries, Columbus sailed out of the Mediterranean to meet them, and falling in with them off cape St Vincent, a desperate engagement ensued, which ended in the total defeat and capture of the Venetians. They fought ship to ship, from morning till night; and great numbers were killed on both sides; 'beating one another from vessel to vessel with the utmost rage,' says Ferdinand Columbus, 'making use not only of weapons, but of artificial fireworks.' His father's ship, he continues, which was fast grappled to a Venetian, taking fire in the very heat of the engagement, communicated the flames to her adversary. Nowhere is a conflagration more dreadful than of a ship at sea; and in the confusion occasioned by this appalling event, they could neither separate the vessels, nor extinguish the fire, which finally raged so violently as to compel those, who would escape a fiery death, to leap into the ocean. Columbus being an expert swimmer, with the help of a floating oar barely succeeded in reaching the land, which was two leagues distant;

* 'Diceva ch'egli seguia Cristoforo Colombo *suo cittadino*, ch'egli voleva trovar nuovo mondo o affogare.' Vita, da lui Scritta, p. 33. Milan edit. Ital. Classics, Reme di Chiabrera, v. I. This poet holds up the same idea in his Ode on Columbus, (Canzon. Eroich. XII, Rime I. 25.) which is by no means his happiest effort.

† This account, given by Ferdinand Columbus, and credited by the best writers in general, is disputed by Muñoz, (Prol. p. 12.) His only argument is, that such a seafight occurred in 1485, in which certain Venetian galleys were captured. Does it follow necessarily, supposing it were so, that there could not also have been one several years before?

and thus 'saved a life reserved for great undertakings.' He repaired as soon as might be to Lisbon; and the friendly welcome, which he received from his Genoese countrymen there, induced him to remain in Portugal.

The court of Lisbon was at that period the favorite resort of Italian adventurers, expert in the arts of commerce and navigation. The Portuguese had already entered upon the magnificent career of discovery and conquest, which raised that little kingdom into wealth and weight, greatly disproportioned to its intrinsic consequence. Mariners distinguished for their skill and experience, learned geographers, and men acquainted with the construction of charts, readily found employment at Lisbon. Here then Columbus might enter upon a field of usefulness, precisely fitted to his genius. Here he would be likely to meet with far more auspicious opportunities for the improvement of his mind, than he could have possessed, whilst a mere Genoese corsair. His brother Bartholomew already resided in Lisbon, devoted to the business of making charts, maps, spheres, and nautical instruments. Christopher was either well known already, or speedily ingratiated himself with those to whom he gained access; for not long after he settled in Portugal, he married Felipa Muñiz de Perestrelo, who died in a few years, leaving him one son, named Diego. This marriage was on many accounts exceedingly beneficial to Columbus. It connected him with several Portuguese families of great respectability, and thus gave him a certain standing in Lisbon. But it was serviceable to him and to the world in another respect. His wife's father, Bartolommeo de Perestrelo, had been an eminent navigator, and had established the first Portuguese settlement at Porto Santo, the government of which Island was conferred on him for life, as the reward of his services. Among his papers were found, after his decease, many charts and manuscript accounts of voyages of discovery made by him, which were then invaluable. These were placed in the hands of Columbus, who had already conceived the idea of a western passage to the Indies; and served to inform and guide the curiosity, which they inflamed.

About this time, therefore, we find him making voyages to the Western Islands, Cape de Verd, the Guinea coast, in fine, to all the European establishments and trading factories along the coast of Africa. He preserved written accounts of every-

thing memorable, which came within his notice; carefully collected and compared the observations of other voyagers, and continued to apply himself diligently to the cultivation of the sciences subsidiary to his chosen pursuit. By thus uniting close study with extensive experience, he soon became one of the most skilful and capable navigators of the age, and amply qualified himself for the mighty enterprise of discovering the hidden empires of the West.

We shall not attempt to follow him through his hard struggle with the superstitious ignorance of the princes, to whom he so frequently, and long so fruitlessly, sued for the privilege of making them monarchs of a richer realm than all Europe combined, and whose reiterated repulses would have discouraged any man, less endued with heroic perseverance and fortitude than himself; nor shall we think of describing his voyages to America. To whom is the history of his successive offers to Genoa, Portugal, England, France, Spain, unknown? Who has not followed with admiration his daring progress over the great deep, then in truth a mighty and untried abyss? Who has not felt a thrill of emotion pervade his breast, as he imagined the shattered bark, laboring its course through waters never divided before by European keel, and bearing the Genoese pilot to lands never trodden yet by European feet? Who has not exulted in the richly merited honors, which awaited his splendid success, the power, titles, wealth, rank, which kings, and nobles, and pontiffs were eager to lavish on the poor woolcarder of Genoa? Who has not swelled with indignation at the thought of his subsequent wrongs, of the injustice heaped upon him by the evil arts of envious rivals, working on a jealous and wicked master; at the thought of Columbus, the discoverer of the New World, transported back again in chains to the Old; of Columbus, the rightful lord of the Indies, dying in penury and neglect in an obscure corner of Valladolid? The prophetic words of the maiden, who conducted Tasso's knights in quest of Rinaldo, confined by enchantment to Armido's palace in the Fortunate Isles, are now become fact.

> Ere long, the venturous pilot will proclaim
> The bounds of Hercules an empty tale;
> Illustrious empires, now unknown to fame,
> Shall time, in nameless western seas, unveil;

The gallant vessel, borne with dauntless aim
To distant lands, will court the auspicious gale,
And, o'er the boundless ocean wafted on,
Victorious emulate the earth-encircling sun.

Him, the Ligurian, whom the fates decree
Mid untrack'd waves his daring bark to steer,
No doubtful clime, no rude and savage sea,
No tempest, in its whelming wild career,
Nor aught beside, if aught more dread there be,
To threaten peril or awaken fear,
Will cause to blench, or chain his noble soul
To where, at Calpe's base, forbidden waters roll.

Thy sails, Columbus, far in western skies
Shall proud unfurl their canvass to the sight,
Whilst, with her thousand wings and thousand eyes,
Fame vainly strives to watch thy glorious flight.
Let hymns to Bacchus or Alcides rise ;
Thy single name will pour diviner light
O'er history's pages ; and thy fame inspire
Bards, who are yet unborn, with more celestial fire.*

And there is now no tongue, which the genial influences of civilisation ever touched, wherein the vicissitudes of Columbus' fortune have not been narrated by the historian, and sung by the poet, until all, of every age and every condition, are versed in his eventful story. *We* are Americans ; and the name and the fame of Columbus,

Familiar in our mouths as household words,

are to us the fruitful theme of instruction in youth, and of entertainment in maturer age.

We turn aside, then, from the beaten path, to tread where the broader rays of general history have not shone upon his life. While Columbus resided in Lisbon, he afforded considerable aid to his father, who was become very much reduced in circumstances ; and when Genoa signified to him her inability or disinclination to accept his proposals, he went to Savona, where his father resided, to visit him, and gave him the means of reestablishing himself at Genoa. We gladly record these instances of filial piety, as honorable to the cha-

* Gerusalemme Lib. Cant. xv. st. 30—32.

racter of Columbus; for who does not love to see the mighty mind, which is grasping all time and space in the compass of its vast conceptions, still continue alive to the little charities of domestic life?

He repaired to Spain in 1484, carrying with him his motherless son Diego, then a child, whom he placed with the monks of the convent of Rabida in Palos, whilst he went to Cordova to treat with the Spanish court. At Cordova he became acquainted with a lady of good family, named Beatriz Enriquez, who made him the father of his son Ferdinand. A fact relating to this period, which we have on the authority of bishop Alessandro Geraldini,* deserves to be mentioned here. The ineffectual efforts made by Columbus for several years to engage Ferdinand and Isabella in his project, are well known, but it may not be so generally understood how desperate his situation became, in the course of these negotiations. He had completely exhausted his limited means, in the prosecution of his long and harassing suit. Its rejection left him in a state of extreme need. Disheartened by the total disappointment of the darling hope of years, suffering also by the unfaithfulness of his dependants, in want of the very necessaries of life, he betook himself to the monastery of Rabida, an humble suppliant for ecclesiastical alms to support his existence. Then it was, as related by Robertson, that the prior Juan Perez de Marchena, moved by the condition of Columbus, whose really enlightened views, and whose integrity, simplicity, and manliness of character, he had ample opportunity to appreciate, hastened to Santa Fé, and so represented the affair to Isabella, that she again recalled Columbus to court, and sent him a small sum of money to defray his expenses.

To what a pinnacle of fortune did the lapse of a few short years exalt him, whom we have thus witnessed in the depths of distress. But Columbus was marked for an extraordinary destiny; and with him reverses trod close upon success. The last incidents of his life, and the subsequent fate of his family, deserve to be recalled to recollection. The Admiral returned from his fourth voyage at the end of the year 1504. During this voyage, the elements seemed to conspire with the

* Itinerarium in Regiones sub æquinoctiali Plagu constitutas Alex. Geraldini Amerini. l. xiv. See Cancellieri, p. 63.

injustice of man, to persecute and depress Columbus. Almost denied admittance into the Spanish settlements in the Indies, and thwarted and insulted by the petty officials, who ruled over regions which ought, by the most solemn compacts, to have been his, he at last arrived at St Lucar, his constitution irremediably impaired by the unexampled hardships he had undergone. What his own personal condition was then, and had been, may be judged from the very affecting letter, which he wrote to Ferdinand and Isabella, during his absence.* 'By my mishap,' says he, 'so little have I gained from twenty years service, such as I have served with so much fatigue and peril, that I do not now possess even a cottage in Castille; and *if I wish to dine, or sup, or sleep, I have no place of refuge except the inn, and oftentimes I have wanted wherewithal to pay my reckoning.* Another thing has given me great grief, which was Don Diego, my son, whom I left in Spain so friendless and *destitute of all distinction and means of support.*' The first intelligence, which he received on his arrival, was the death of his friend and protectress, Isabella, whose influence over the narrow minded and selfish Ferdinand, had served to soften the asperities of his temper, and to qualify the harshness of his feelings towards Columbus. Struck to the soul with the news, he staid at Seville several months, to recover from the shock of grief, and to revive his exhausted frame, ere he repaired to the court.

Ferdinand received him at Segovia with a hollow show of welcome, but by no means with that cordiality and respect, which his signal merits entitled him to anticipate. The Admiral could easily see, that he stood before a hard and ungenerous master. Nevertheless, he represented in strong terms, but in language as true and respectful as it was strong, the wrongs sustained by him at the hands of Roldan, Bovadilla, and Ovando; the partial requital of his services; his injuries unatoned for, and slightingly regarded, by the ministers of the crown; and he solicited the punishment of his enemies and the restoration of his authority, in fulfilment of the grants so deliberately made, and so solemnly confirmed to him and to his posterity forever. Ferdinand could not deny the justice of the suit; but unwilling to grant, yet ashamed to refuse it, he told Columbus he would commission Diego de Deza,

* Bossi, 3. p. 211.

archbishop of Seville, to consider what should be done. But the Admiral, well knowing this proposition was made only for the purpose of delay, urged the king, by memorial after memorial, to determine at once a thing, which was too clear to admit of deliberation. He was very zealously aided by Francisco Ximenes, archbishop of Toledo, and by many other persons of the highest rank in the kingdom, who were indignant at the gross injustice, with which he had been treated. But all this availed nothing; for those in the confidence of the king were aware, that his only object was to temporise with Columbus, in the expectation that his noble spirit would sink under his accumulated misfortunes, and thus terminate his ungrateful suit.

This event but too speedily ensued. For a time Columbus put a more charitable construction upon the king's delays. He thought Ferdinand might, perhaps, be unwilling to decide so important a matter as this, without the presence of his daughter, the unfortunate Juana, who was daily expected with her husband, the archduke Philip. This, for a season, sustained the Admiral's drooping spirits. But in the mean time Ferdinand caused his people to work upon Columbus, for the purpose of inducing him to renounce his privileges, and receive the estate of Carrion de los Condes, and a paltry pension, as an equivalent for the dignity and emoluments of admiral of the ocean, and viceroy of the Indies. This last blow was fatal to Columbus. Perceiving now that all hope of redress at the hands of the king was desperate, he rapidly declined, and was plainly approaching his dissolution. The arrival of Philip and Juana in Spain revived him a little; but disabled by sickness from addressing them in person, he despatched his brother Bartholomew, with a memorial representing his claims. They received Bartholomew very graciously, and much was expected from their seemingly favorable disposition; but this propitious change in the fortunes of Columbus came too late; for worn out by disease and hardships, and brokenhearted by the wrongs continually heaped upon him, he had already ceased to be numbered with the living.

He died at Valladolid, May 20th, 1506, not quite sixty years of age; and was buried in the Carthusan monastery at Seville, with the expressive and appropriate inscription on his monument;

A Castilla y a Leon
Nuevo Mundo dió Colòn.*

His bones were afterwards carried to America, and deposited in the cathedral church of the city of St Domingo, and remained there until 1796, when they were transferred to Havana, where they now lie. Mr Walton says he saw the *procès verbal* of the removal of these remains, which was shown to him by a Spanish ecclesiastic of St Domingo.†

Thus ended the days of Columbus. His glory, it has been justly observed by Bossi, must always continue without parallel. The heroes, the philosophers, and the poets of the past, may be emulated and excelled by the poets, the philosophers, and the heroes, who shall exist hereafter. Other conquerers may carry their arms, in victory and triumph, all over the civilised globe. The realms of thought are infinite; and who can tell to what extent some future Newton will enlarge the present limited boundaries of our intellectual knowledge? But no hemisphere of the earth remains for a second Columbus to discover.

Columbus was tall in stature, of a large and muscular frame, with strongly marked features, a florid complexion, and a lively aspect. He was remarkably abstemious, uniform and regular in his habits, singularly devout, and distinguished for his scrupulous observance of all the rights of the Catholic faith. His character is visible in his achievements. The dignity and independence of his feelings, his ardent enthusiasm, his invincible resolution, the enterprising cast of his temper, his perseverance amid the frowns of fortune, his fortitude under suffering, and his modest yet manly carriage in prosperity, his courage in withstanding, and spirit of conciliation in forgiving his enemies, and his faithful devotion to the interests of his sovereign,—these are leading traits of his character, not loosely inferred from partial observation, but gathered from the crowded incidents of a life passed in the world's eye. For he was not one, concerning whom posterity can err. On the contrary, he was of the number of those men, the glory or the curse of their race, whose acts stand forth in high relief on the page of history, and who seem, as

* 'To Castille and Leon, Columbus gave a new world.'

† Walton's Spanish Colonies, I. 144.

it were, singled out by destiny to impart a new direction, and communicate an extraordinary impulse to the age in which they arise upon earth.

Columbus left two sons, Diego and Ferdinand. The latter entered the church, and became distinguished for his great learning, and his munificence to the cause of letters. He resided in Seville, and collected the richest library in all Spain, consisting of 12,000 volumes, which, on his death, in 1541, he bequeathed to the cathedral church of that city, where it was carefully preserved in the time of Nicolas Antonio, and where, we believe, it still remains. He travelled through Europe, devoting his time and his riches to the purchase of the most rare and valuable books; and employed in his service, for a time, two learned Flemings, Nicolas Aenardus, and Johannes Vasæus. He wrote several works, but is known to posterity only by the History of the Life and Actions of the Admiral his father. This he composed with much industry and faithfulness, describing events of which he was either an eyewitness, or which he gathered from his father's papers and letters.

It is very singular that the original Spanish is now nowhere to be found. Muñoz, although his researches after manuscripts extended throughout the kingdom, and were facilitated in every possible way by the ministry, yet never fell upon this important work. Neither could Barcia obtain it. Antonio says that, *if still in existence*, it is contending with moths and worms for life, in some nook of a sequestered library. That to which all writers refer, as the original, is an Italian translation from Ferdinand's manuscript, made by Alfonso de Ulloa, and published at Venice in 1571. The original manuscript is said to have been carried to Genoa in 1568, by Luis, son of Diego, and from him to have passed into the hands of the patrician Giovan Battista Marini, who went to Venice, and procured it to be translated by Ulloa. The Italian translation is undoubtedly authentic, being quoted with confidence by every author, who treats of America; but so many mistakes in dates and other minute matters occur, which Ferdinand himself must have avoided, as to compel us to call it an *erroneous* translation, or else one made from an unfaithful copy. From this translation, such as it is, have all the other translations proceeded; and we

must confess they have lost no faults in the transmission from language to language. Muñoz characterises the Spanish translation made by Barcia, as being *most wretched;* and we can speak to the manifold and gross errors of the English, published in Churchill's Collection.

It is difficult to account for the mysterious disappearance of the original Spanish. Cancellieri, in his Notices of Columbus, a rambling digressive work, treating 'de omni scibili et quibusdam aliis,' somewhat cavalierly imputes to Ulloa the literary fraud of having destroyed the manuscript, in order to give credit, currency, and sale to his translation. However this may be, the work is unquestionably entitled to the highest respect as an historical authority. It is invaluable for the many facts contained in it, which could not be obtained elsewhere; and in the narrative of facts, it is but seldom that Ferdinand falls into errors. Certainly few have been detected, or even suspected. But he is remarkably addicted to the besetting sin of his countrymen in that age, a simplicity in superstition, which cannot fail to call a smile into the face of every one, who opens the book in these more enlightened days.*

Diego, the eldest son of Columbus, inherited his titles and claims, by virtue of a *majorat* created in his favor by the Admiral. Diego set about the prosecution of his right, a year or two after his father's death. His application to the king was met by evasive answers. Diego then carried his pretensions to the fiscal court; and pending the suit was fortunate enough to obtain a declaration of the Council of the Indies, recognising his rights as admiral, viceroy, and governor-general of all his father's discoveries, with appropriate civil and criminal jurisdiction, and with all the perquisites and emoluments originally granted to Columbus. Meantime Diego married Maria de Toledo, daughter of Fernando de Toledo, brother of the Duke of Alva, both of them, and particularly the last, then high in favor with the king, and both among the principal grandees of Spain. Their influence over the king effected what his sense of justice could never

* Concerning Ferdinand's History, see Meuselius, Bibliotheca Struvii Historica, v. III. pt. 2, p. 261; Pizarro y Orellana, Varones Ilustres, &c. p. 35; Nic. Antonio, Bibliotheca Hispana Nova, I. 372; Cancellieri, Notizie, &c. p. 130, 135; Munoz, Hist. del N. M. Prol. p. 13; Spotorno, p. lxiii; Charlevoix, St Domingue I. 55.

have done; for Diego was immediately installed in a portion of his rights, and sent to Hispaniola with the titles of admiral and governor, but with no more authority than Bovadilla and Ovando had enjoyed. He was accompanied by his brother and his two paternal uncles, and by many cavaliers and gentlemen, and by some ladies of rank, who married distinguished persons in the Indies.

He entered peaceably on his government; but soon began to be persecuted by the machinations of the old enemies of his father, sustained by the influence of Jean de Fonseca at home, and headed in the island by the king's treasurer, Miguel de Pasamonte. These creatures of Fonseca styled themselves the party of the king, taking advantage of his known jealousy towards the family of Columbus. They were continually making false representations of Diego to the court, and continually thwarting him in all the measures of his government. The right of Columbus to a tenth of all the productions of the Indies, was the fertile source of dispute between Diego and Pasamonte, and kept them in a state of incessant irritation, which the arts of the latter diligently fomented. Wearied out at length by these vexatious difficulties, Diego asked and obtained of the king leave to return home, and counteract the plots and falsehoods of Pasamonte. He arrived at St Lucar in 1515; and shortly afterwards he and the world were relieved of a tyrant, by the death of Ferdinand.

Diego continued to solicit the government of Ferdinand's successor, to do justice to his pretensions and his character; until in 1520, Charles the Fifth, having examined into the charges against the Admiral, easily discovered their falsehood, and reinstated him in his authority. Charles also enjoined upon Pasamonte to live in good intelligence with the Admiral; but his pragmatic and meddlesome temper, which had kept him embroiled with the intermediate governors, would not allow him to make peace with his old opponent Diego. In consequence of his misrepresentations, Diego was in 1523 again recalled, and a few years afterwards died at Montalvan.*

Giacomo, or as he was called in Spain Diego, the younger brother of Columbus, does not appear to have acted a very

* Langeac, Colomb, &c. precis Historique, p. 10; Herrera, tom. I. and II.; Charlevoix, St Domingue, &c, tom. I.

conspicuous part in history. He was ennobled, however, and held some employments. But Bartholomew was a man of hardly less energy of character and intelligence, than Christopher. He was, through life, the able and faithful coadjutor of his brother and nephew, and died in the Indies in 1514. As a navigator, he was more eminent for theoretical than for practical skill. Ferdinand employed him rather in Europe than in America, apprehensive lest, if he stayed constantly in the Indies, his pretensions as Adelantado might become no less troublesome to the crown than the Admiral's.*

Diego, the Admiral, left five children, three sons and two daughters. Of his daughters, the elder, we believe, took the veil; Isabella, the younger, married Georgio de Portogallo, Count of Gelves; Diego's eldest son, Luis, succeeded to the family distinctions and rights, which, however, he was induced by Charles the Fifth to relinquish, preserving the title of Admiral of the Indies, and, in lieu of his other dignities, accepting Veragua and Jamaica, with the titles of duke and marquis, and a pension of 10,000 gold doubloons instead of his grandfather's tenth. Luis died without any legitimate children, and was succeeded by Diego, the son of his younger brother Christopher. In 1578 Diego died without issue, and in him was extinguished the male line of the Admiral; and the splendid name of Columbus, in less than a century after its brilliant elevation, disappeared from the records of Spanish nobility. The princely heritage of the family, as we have seen already, then passed into the female branch of the house of Gelves.†

It remains for us to give an account of the book before us, ere we dismiss the subject. Columbus, after he returned from his third voyage, disgusted with the iniquitous policy of Spain, appears to have been preparing for an appeal to the world and to posterity. He procured the notarial authentication of several copies of all the privileges, capitulations, grants, and instructions, which he had received from his sovereigns, together with several other documents relative to his legal rights, seemingly fearful to entrust the evidence of his rank, authority, and prerogatives to the custody of the original parchments only. Two of these copies he despatched to his

* Herrera, Dec I, l. 10. c. 16. Charlevoix, St Dom. I. 331.
† Spotorno, p. lxii. Charlevoix, I. 442, 476.

confidential friend Nicolo Oderigo, formerly Genoese ambassador in Spain, charging him to deposit them in safe keeping, and to give information thereof to his son Diego. Both manuscripts continued in the Oderigo family until the year 1670, when Lorenzo Oderigo presented them to the Republic. In the vicissitudes of the Genoese government in aftertimes, these manuscripts were taken from the archives; one was carried to Paris, and the other was supposed to be lost, until it was advertised in 1816, in a catalogue of the library of a Genoese book collector, the Count Cambiaso. This *Codex* was immediately secured for the city of Genoa, and is there preserved in a marble *custodia*, or monument. The beautifully executed volume before us, printed at Genoa by order of the Decurions, contains an exact transcript of the Spanish original, accompanied by an Italian translation and brief notes; and to the whole is prefixed an introduction containing a historical memoir of Columbus, and an account of the manuscript. The editorial matter was written by Giovan Battista Spotorno, professor of eloquence in Genoa.*

The Italian translation, so far as we have taken the trouble to compare it with the original, is laborious and faithful; but we cannot say thus much for Spotorno's historical memoir of Columbus. It is confused, inexact, and prolix without being particular. The subject had, within no very long period, been much more ably treated in Italy by Tiraboschi, Durazzo, and Bossi, whose works we have had so frequent occasion to consult, in the prosecution of our inquiries concerning the great navigator. The historian of Italian literature treats his subject briefly, but with his accustomed industry, candor, and good sense. The 'Eulogy of Columbus,' published anonymously in conjunction with a 'Eulogy of Andrew D'Oria,' but since attributed to the marquis Ippolito Durazzo, is written with great fulness and elegance, and is particularly valuable for its elucidation of many points of cotemporary history, bearing on the life of Columbus. And the little book of the Cavalier Luigi Bossi of Milan, to a succinct, neat, and methodical biography of the Admiral, subjoins a body of instructive annotations, which largely contribute to explain the obscurer incidents of his life. Spotorno is inferior to either of these in

* An English translation of this book has been published in London, entitled *Memorials of Columbus.*

their respective excellencies; but he has gleaned a few facts, which had escaped the attention of preceding biographers of his hero; and therefore his introduction is not without its use.

But the thing chiefly important in the book, is the transcript of the Spanish manuscript; and this, in a historical point of view, is really of considerable interest and value. The original manuscript is a small folio volume, written on parchment, bound in morocco, and enclosed in a morocco bag. The title of it is in the following words; 'Cartas, Previlegios, Cedulas, y otras Escreturas de Don Christoval Colon, Almirante Mayor del Mar Oceano, Visorey y Governador de las Islas y Tierra Firme;' a very just and proper description of the book, which Spotorno ought to have retained in the printed volume, instead of the deceptive, affected, and inappropriate title of *Codice Diplomatico Colombo-Americano*.* While the manuscript was in possession of the Oderigo family, they pasted within its covers an original letter, from Philip the Second of Spain to Ottaviano Oderigo, congratulating him on his being made Doge of Genoa; two autograph letters from Columbus to Nicolo Oderigo; and a copy of the letter from the magistrate of St George to Columbus. The body of the manuscript contains fortythree documents. Among them is a copy of the famous bull of demarcation issued by Pope Alexander the Sixth, by which about one half of the earth was most liberally divided between Spain and Portugal. The other documents, as they appear in the *Codex*, form three distinct sets or classes, into which they may be here divided for the sake of convenient description.

The first set comprises the documents from the beginning to No. 35 inclusive.† They are introduced by a notarial certificate, setting forth that at Seville, on the 5th day of January, 1502, in the dwelling house of the Admiral of the Indies, before Estevan de la Roca and Christoval Ruys Montero, ordinary alcaldes of Seville, and in presence of Martin Rodrigues, notary public, and of the witnesses underwritten,

*The title given to the English translation, '*Memorials* of Columbus,' is rather ambiguous, and far from proper in any sense. We hope if the volume is ever reprinted in this country, the publisher will put the title of the MS on the title page, and procure the substitution of a better historical memoir

† Spotorno, by mistake, counts one document more than there is in fact. He calls No. 32 No. 33, and continues to miscount through the volume. The English translator seems to be quite puzzled by this error of his original.

personally appeared 'the most magnificent lord Don Christoval Colon, high admiral of the ocean,' &c, and produced certain letters, privileges, and rolls, signed by the king and queen, and being of the following tenor. Next comes a copy of the documents produced, as published by Spotorno; and then the notarial certificate proceeds to declare, that the Admiral, having thus produced the foregoing documents, petitioned the alcaldes to examine them and be satisfied of their authenticity, and order the notary to make and subscribe conjointly with them, as many copies thereof as he (the Admiral) should desire, inasmuch as he had occasion to present them in various places where his rights demanded it, and as he feared that in this way they might be lost, defaced, or subject to some other accident; and, therefore, he wished for copies equally authoritative with the originals. Finally the notary certifies, that the petition was granted, and that the present copy, made by him in pursuance of it, is faithful and authentic; in testimony whereof it is signed by him and by the alcaldes.*

We shall briefly indicate the subject matter of the most important of these papers. No. 1 is addressed to the lieutenant of admiralty, commanding him to deliver to Columbus a copy of all letters of grace, privilege, and confirmation, relating to the office of admiral of Castile, which copies then follow. No. 2 sets forth and confirms the famous original capitulations made with Columbus previously to his first voyage. No. 3 sets forth and confirms the commission given to Columbus, previously to his first voyage, and the confirmation thereof given to him on his return. No. 30 is a copy of letters patent, authorising Columbus to create a *majorat* in his son Diego, or in any other of his relations at pleasure, inalienable and indivisible forever. These four are all dated Burgos, April 23, 1497.† No. 8, and No. 6, which latter appears to be supplementary to the former, contain very minute particular instructions to Columbus, in regard to the formation of a colonial settlement in Hispaniola.‡ No. 9 contains a

* Codice di Colombo, pp. 8. 226.

† The first is, by mistake, printed 1496 in the Codice. See the duplicate, No. 17.

‡ In the Codice, p. 108, there is evidently a mistake in the enumeration of the persons Instead of 'cinquanta labradores e ortolanos,' it should read

proclamation issued in 1495, which authorised any persons to make discoveries in America on certain conditions, and by letters, dated Medina del Campo, June 2, 1497, declares the same to be revoked, and void so far as it infringes the privileges of Columbus. Nos 12, 13, and 14, are the famous letters patent, granting a pardon to convicts on condition of serving a certain time in the Indies. No. 22 authorises Columbus to distribute *(repartir)* lands among the Spanish settlers. No. 23 is the commission of Adelantado of the Indies, granted to Bartholomew Columbus. No. 31 is a very flattering letter from the king and queen to Columbus, dated Barcelona, March 30, 1493, enjoining him to repair to court immediately, and give them an account of his wonderful discoveries. Nos 33 and 34 are also confidential letters from the king and queen to Columbus, written during his second voyage.

The next set consists of only four documents, Nos 37 to 40 inclusive, which are accompanied by a brief notarial certificate, dated March 22, 1502, of their being correct copies of the originals, and which seem to be supplementary to the first set. No. 37 is an order for the restitution of all the Admiral's property taken from him by Bovadilla, and a declaration of his rights and dues, sent to the Indies by the hands of Carvajal. No. 40 contains the instructions given to Columbus, on his setting sail upon his fourth voyage.

The remaining set, which embraces the three concluding documents, is without any notarial certificate, and indeed requires none, as it consists of papers drawn up by Columbus himself, or in his behalf. Nos 41 and 42 are memorials declaratory of his rights, setting them forth with considerable minuteness. No. 43, being the last, is a letter written by Columbus to the nurse of Prince Don Juan, in 1500, complaining of his grievances, at the time of his return from the Indies, a prisoner of state.

The reader is competent to form an opinion of the importance of these documents, from the description which we have given of their contents. It ought not to be disguised,

'*diez* ortolanos.' See the duplicate, No. 18, p. 164. The English translation is quite incorrect here, owing to its being the translation of a translation. Thus it renders *escuderos* (gentlemen) 'arquebusiers,' and *grumetes* (ship boys) 'midshipmen.' p. 82.

however, that a portion of them had been published already in different books; nor that Herrera, and other Spanish writers, appear to have been well acquainted with most, if not all of them, and to have made use of them in the compilation of their histories of America. The manuscript states, that the originals are deposited in the monastery of Santa Maria de las Cuevas, at Seville; and makes mention of *three* other copies, one written on paper, and two on parchment. Spotorno seems to have imagined, that no other copies of the manuscript were to be found in Italy. But this is a mistake. Mr Edward Everett, in a note to the Oration delivered by him at Plymouth, describes another copy of a portion of these documents, which he procured at Florence. This curious and valuable manuscript, which we have slightly examined and compared with Spotorno's book, is of parchment, written with great elegance, and bears every mark of being from two to three hundred years of age. It begins with Pope Alexander's bull of partition, and then follow the documents, which we have designated above, as the first set in the *Codice Diplomatico*. Another bull of Alexander's, copied on paper by a different hand, is also placed within the covers. Mr Everett's manuscript, so far as it goes, is a much more perfect one than the Oderigo manuscript; as several passages, which Spotorno was unable to decipher in the latter, are very plain and legible in the former, which, indeed, is in most complete preservation. We hope Mr Everett will favor the public with a more particular account of his manuscript, and note the variations between this, and the printed copy.

ART. VIII.—*A Report on the Expediency of Augmenting the Duties on the Exportation of Gold and Silver, presented to the General Constituent Congress of Mexico, by the Committee of Finance and Mines, August* 9, 1824.

A MORE able public document, or one manifesting a deeper knowledge of the true principles of political economy, has seldom fallen into our hands, than this report to the Mexican Congress, respecting the expediency of imposing duties on

the exportation of gold and silver from that country. It will need but a slight examination to convince any one, that the subject is of immense importance to the Mexican Republic. Before the breaking out of the revolutions in South America, the whole product of the precious metals yearly, in the Spanish colonies and the Brazils, was fortythree millions of dollars, and of this amount about twentythree millions were produced in Mexico. The product of the eastern continent was less than five millions annually, so that one half of the annual supply of the precious metals of the whole globe, was derived from the Mexican mines. It is obvious, that articles produced in such abundance, and commanding so ready a sale as gold and silver, must exercise a wide influence over the commercial prosperity of a country, and are thereby special objects of the fostering attention of the government.

Aware of this fact, the General Congress, which convened immediately after the abdication of Iturbide, took the subject into consideration. Under the old colonial system, the duty on silver required by the Spanish government was eleven and a half per cent. By a previous law of Congress, it had now become reduced to three and a half. Some of the representatives, whose minds were not yet released from the trammels imposed in the days of oppression, thought this duty too low, and were alarmed at the facility with which the precious metals might slide out of the country. They proposed to raise the duty on exportation up to the old standard, and even higher, and thus strengthen the revenue, at the same time they obstructed the channels, through which they feared would escape too easily, what they deemed the most effective branch of the nation's wealth. This is the point discussed in the report under consideration.

It was not surprising, that some of the Mexican representatives, whose means of information must have been slender, and who have had few advantages for studying the improved principles of modern political science, should entertain erroneous views of a subject, which for ages was enveloped in darkness, even to the wisest and quickest minds. Till a comparatively recent date, it has been the faith of individuals and governments, that money, or gold and silver as such, constituted the only true wealth. The richest man was he, who had in his coffers the greatest amount of treasure, or

who possessed such commodities as would immediately command it; and not he, who could secure for himself and his neighbors the largest stock of comforts, who could supply the wants of the greatest number of persons, by giving them profitable occupation, or who could contribute most to human happiness, by communicating life to the widest compass of human action. Hence the propensity of powerful individuals to grasp and hoard; hence the abject poverty of the many, and the overgrown possessions of the few; and hence the absurd laws passed by governments, to put restrictions on the circulation of gold and silver. Cicero says, that in his time, and before, the exportation of the precious metals was prohibited in Rome. The same laws continued to be reenacted, not only during the existence of the Roman empire, but in the different states of Europe, till comparatively modern times. Mr M'Culloch, the distinguished political economist of Edinburgh, mentions it as a curious fact, that when the East India Company was instituted in the year 1600, it obtained permission to export annually a certain quantity of foreign coin or bullion. This privilege was granted, however, only on condition, that within six months after the close of each voyage, the Company should import an amount of gold and silver, equal to that which it had exported. Even this practice of the Company was impugned, by the advocates of the old doctrine, and represented as injurious to the public interest. The maxim was, that all exportation of gold and silver was disadvantageous, that a nation was rich in proportion as it accumulated them, and that to be deprived of any part, even for a short time, was so far an encroachment upon the national wealth. This doctrine the Company did not pretend to controvert; the advantage of the exportation was argued not from the fact, that what was received in return from India was actually of much greater value in England, than the precious metals sent out, but by attempting to show, that the commodities thus imported were sent to other countries, from which more gold and silver would be received in return, than had been exported to India. By this ingenious solution, the old theory, with all its absurdity, was made to square with a rational practice. This notion led to what were technically called the *mercantile system*, and the theory of the *balance of trade*, in both of which gold

and silver were considered as commodities of a peculiar kind, having an intrinsic value of a nature quite different from that, which attaches to any other articles of commerce.

Nor were the cobwebs of these prejudices entirely brushed away, till the comparatively recent investigations of these subjects produced the new science of political economy, which has developed principles of the utmost utility, and of universal application. The commerce of the civilised world is fast settling down on a broad and permanent basis, and gradually yielding to principles, which will give it a uniform character; industry has its definite motives; and the laws, which regulate human enterprise and action, have been reduced to a science, calculated to promote the best purposes of the social union in an unlimited progression. Some of the older countries have already begun to be richly profited by this science, and it is one of the most encouraging indications of the future prosperity of the southern republics, that their prominent legislators show themselves, by their public acts, to be well acquainted with the results, at which the experience and wisdom of the best regulated governments have arrived.

Among the most enlightened statesmen of the south, may be ranked Mr Lucas Alaman, who has for the last two years been Secretary of State for the Home Department and Foreign Affairs in Mexico. He was born in the city of Guanaxuato, the capital of the rich mining district by that name, and is now thirtyfour years old. Till the age of nineteen he lived in his native city, or province, and early imbibed a taste for the sciences, particularly mineralogy. At this age he removed to the city of Mexico, where he devoted himself to his favorite studies, and became distinguished as a mathematician. To obtain a more thorough education, than his native country afforded, he went over to Europe, and after residing for a time in the schools of Madrid, he spent five years in travelling through the different countries of the continent, examining carefully the modes of government, laws, and institutions of each. At the end of seven years' absence he went back to Mexico, in 1820, prepared to take such a part in public transactions, as the exigencies of the time demanded, or as the voice of his countrymen might indicate. He was immediately chosen in the province of Guanaxuato, to be one of the Mexican deputies to the Cortes in Madrid,

for which place he and his colleagues speedily took their departure. In the Cortes he was bold, independent, and unwearied in representing and defending the claims of Mexico to the privileges of self government, and the character of a separate nation. The unsuccessful efforts of the Mexican deputies, and the succeeding events in Spain, are well known.

From Madrid, Alaman proceeded to Paris, where he endeavored to form and organise a company for working the mines in Mexico. Failing in this attempt, he revived the project in London, and a company was soon established, under the name of the *United Mexican Mining Association.* To encourage the undertaking, Alaman promised to assume the direction of the Company's concerns in his own country. Operations are already commenced, and thus far the anticipations of the company are fully realised. At the end of the year 1822, he returned to Mexico, just in time to witness the overthrow of Iturbide's mock imperial dynasty; and under the provisional government, which was erected in the March following, consisting of the old congress, and Bravo, Guadalupe Victoria, and Negrete, as the executive, Alaman was appointed secretary for the home department and foreign affairs, which post he has ever since held. His report, at the time of his first appointment, to the old congress then in session, and his report in January last to the congress assembled under the new constitution, are proofs sufficient of his ability to fill with dignity and wisdom the high and responsible office, to which he has been called.

It is a favorite opinion of Alaman, and unquestionably a correct one, that the mining interests are at present of greater importance to Mexico, than any other. In both his reports he has set this subject in a strong light. According to Humboldt, there are three thousand mines in New Spain, from which the precious metals have been extracted. It is remarked, also, of the Mexican mines, that the ore is poor in quality, although abundant in quantity, and hence it must require a great amount of manual labor to work them. The persons employed in the celebrated mine of Valenciana alone were upwards of two thousand. This mass of population devoted to the mines must draw its support from the products of the surrounding country, and thus give an impulse to agriculture, manufactures, and all the mechanic arts useful in the

common purposes of life. Industry will be quickened, and an active, enterprising population increased, in proportion to the demand for the results of different kinds of labor; and, moreover, these same agriculturalists and manufacturers, who supply the wants of the miners, will themselves want articles of foreign growth, which will be paid for by the produce of the mines. In this way a healthful circulation will be kept up through all the veins and arteries of the republic; external commerce, and internal trade, industry, and wealth will flourish together. This truth is confirmed by the present state of the mining districts, which enjoyed a high degree of prosperity, while the mines were worked, even under the restrictions of the old oppressive government, but which have become depopulated and miserable as the mining operations have ceased. In short, the precious metals in Mexico are to be regarded in the same light, as the great staple commodities of other countries, the cotton, tobacco, and flour of the United States, and the coffee and sugar of the West Indies. And such is the aspect in which Alaman, and the enlightened statesmen of Mexico, after conquering old prejudices, now view them, and on this principle the business of mining is beginning to be renewed with vigor, and under auspices that ensure success. By the secretary's last report it appears, that three companies have been formed in England, and one in Germany, for mining operations in Mexico. A large capital is already made effective for the purpose, and the mines of Guanaxuato, Valenciana, Del Monte, Rayas, Cata, Sirena, and Catorce, are now in action. The mine of Conception has also been drained by a steam engine, and another is set up at Temascaltepec. These machines have fully answered expectation, and, where fuel abounds, may be used to great advantage, but the secretary accounts the introduction of them generally as a question difficult to be solved. In what the difficulty consists he leaves us to conjecture.

But it is time for us to return to the report of the committee on finance and mines, with which we set out. We have given way to these remarks on the labors of Mr Alaman, because we believe him to have been chiefly instrumental in establishing, among his countrymen, the liberal and sound policy, on which the report is founded, and because he has been a zealous promoter of the projects for improving the

mining interest. As above stated, it was proposed in the congress to fix a higher duty than three and a half per cent, on the exportation of silver and gold, and to the expediency of this measure the attention of the committee was called.

Two objects only could be arrived at in imposing such a duty; *first*, an increase of the revenue; and, *secondly*, the retention of a larger amount of the precious metals in the country. The subject is to be examined with reference to each of these particulars.

First, in regard to the revenue, it is important to keep in mind a very definite and obvious principle, which is, that in raising a tax of this nature, the simplest machinery should be put in action, with which the end can be attained. By a fundamental axiom in political economy it will appear, that whatever amount of imports are brought into a country, the same amount of the products of that country in exchangeable value must be sent out. Mercantile intercourse can be kept up only where this equilibrium exists. Since this is the case, the effects of a duty on the price of articles, or the means of the community to pay it, are the same, whether it be wholly levied on imports, or divided between articles imported and those produced in the country to be exported. If a duty of ten per cent be laid on a foreign article, when brought into port, and the article of home production given in exchange for it be allowed to go free, it will be the same thing, in regard to the amount of the revenue, as if five per cent were levied on each. But in tracing the operations attending the collection, we shall find a very essential difference between the two modes. An impost on the articles of home production becomes odious, from its being more immediately felt by the people, and from the means necessarily used in ascertaining and collecting it. Besides, there must be the expense of two sets of officers, one for the internal, and one for the impost, or customhouse duties, and these expenses will diminish the revenue in proportion to their amount. On general principles, therefore, it would seem that a tax on the exportation of gold and silver would be injudicious.

It is moreover to be considered, that coin cannot be exported at all, except in exchange for goods of equal value imported from other countries; but the duties on these goods have already been raised so high, in the various shapes of

tonnage, importation, and inland duties, as to leave but a moderate profit to the importers, at the present price of the precious metals; and if this price were raised ten per cent or more by a duty, as proposed, it would be necessary to reduce the duty on imported goods in the same ratio, or else the regular course of commerce must stop. The value of gold and silver in Mexico must be regulated by their value in other parts of the world, and if, by any forced measures, the price there be raised above this level, no purchasers will appear to take them away. Hence, in the present commercial state of Mexico, such a duty would derange rather than benefit the revenue. The usual commerce could only be carried on, either by reducing the tariff on imported commodities, or by raising the price of them to a level with the new duty on the articles received in exchange. In either case nothing would be gained.

The encouragement to smuggling, and frauds on the revenue, by an excessive duty, are not to be forgotten. This is worthy of particular notice, when we take into view the long habits of colonial commerce under the ancient oppression, and the facilities of sending out of the country, in a secret manner, articles of so little bulk compared with their value, as the precious metals. There is such a thing as raising a tariff, till the revenue disappears; and when such a temptation is held out to a violation of the laws, the loss sustained in the public finances is not the worst evil; the morals of a portion of the community are vitiated, and the exertions of honest merchants are deprived of a just reward by the competition of illegal traffickers.

On grounds like these the committee decided, that it was not expedient to fix a duty on the exportation of gold and silver, with the view of aiding the revenue.

The second branch of the subject, namely, the expediency of a duty for the purpose of retaining the gold and silver in the country, may be considered under various aspects. In examining this topic, the precious metals are to be taken either as coin for circulation, or as a product of the soil to be exchanged as such for other commodities. Silver and gold, in the character of money, are valuable only as a medium of exchange; they cannot be consumed, nor appropriated to gratify, by their own use, any personal want or desire. The

value of money is not determined by its quantity alone, but by this in connexion with the rapidity of its circulation. When trade is dull, or in other words, when exchanges are very few, money is cheap; but when exchanges are quick and numerous, money becomes in demand, and rises in value. If in a given period a thousand dollars will effect a certain number of exchanges, and if at another time five hundred dollars, by a more rapid circulation, will effect double the number of exchanges in the same time, and in the same amount of property, it is obvious that the five hundred dollars in one case will have performed the same service as the thousand in the other. It is obvious, also, that the value of the money will be higher, when it is performing this rate of service, than when it is doing only half as much. Hence money has not a fixed intrinsic value, but one that fluctuates in proportion to the demand for it as a medium of circulation. Suppose there is just money enough in a community to carry on with convenience all the operations of mercantile exchange, and in this state of things, suppose the amount to be increased one half, the quantity of goods and the demand for consumption remaining the same. What will be the consequence? The yard of cloth, that was before sold for a dollar, will now be sold for two, and money will have fallen one half in value; or, if you choose to view it in another light, the value of the cloth will be doubled, so as to produce an equilibrium with the money. But take it which way you will, the community gains nothing by the process. It adds nothing to the wealth of a nation, to have the mass of circulating coin increased twofold, if all the commodities purchased with it are enhanced to a double price; in fact, it is a waste, because money is forced into the useless office of circulation, which might be sold for its full value as a product.

Carry this principle a little farther, and we shall find not only a useless, but a positively injurious effect. By a restrictive duty a larger amount of coin is kept in the country, than is needed for circulation; its abundance diminishes its value, or, in other words, causes the relative price of articles for which it is given in exchange to rise; more money will be given for a commodity than it would command, if coin were suffered to flow into its natural courses, and find its natural level. This state of things will only happen, however,

in the country where the restrictive duty on exportation exists. And when goods are introduced, which have been manufactured in another country, where money is dearer because scarce, and where the goods are cheaper because the cost of production is less, they can be sold to a great advantage over the same kind of goods, manufactured in the country where the restrictive duty operates, because the cost of production is there in proportion to the forced relative value of the coin. Hence such a law would act as a check to manufactures, and make a nation dependent on foreigners for some of the commonest articles of consumption, which its best interests require to be produced by its own resources, capital, and labor.

It is, moreover, greatly for the interest of a country like Mexico, whose mineral treasures are so abundant, to afford all possible facilities for the exportation of coin. Where the production is so great, the natural tendency is to overstock the market, and to give a forced value to the circulating medium, which can only be truly profitable, when it sustains nearly the same relative value to other commodities, that it holds in commercial countries generally. It is important to Mexico, that money should be dear there, and then there will be a quick demand; the imported commodities will be at a low price, and manufactures and numerous branches of industry will flourish, which could not otherwise be sustained, and the wealth and prosperity of the nation will be increased. Such results can only be brought about by opening every channel to a free departure of the surplus coin.

In the last place, if gold and silver be regarded merely as a product of the soil, one of the great staples of the country, the false policy of a duty on exportation will be equally apparent. In this point of view, the working of the mines, or the producing of this staple, becomes a most important branch of industry, which it is the part of a wise government to foster and protect. It has been mentioned above, that although the mines in Mexico are inexhaustible, the ore is not rich, and in most cases yields but a moderate profit to the miner. It follows, that any unnecessary burden upon this species of industry will prevent its being prosecuted, and thus paralyse a large amount of capital, and throw out of employment a numerous class of citizens, who can engage in no other occupation so advantageous to the state; we say none so advan-

tageous, because this staple is more valuable to the state than any other. If the price of gold and silver be reduced by an unnatural increase of quantity, the cost of labor and all the materials requisite for working the mines, such as provisions, quicksilver, iron, and machinery, will be increased in the same ratio. Hence all those mines, which under favorable circumstances would do little more than meet the expense of working, must stop, when the price of silver and gold is reduced, and that of the articles necessary for subsistence and use is raised. If, for example, a thousand pounds of ore yield ten ounces of silver, and these ten ounces of silver be just enough to pay all the charges of production, the mine may be worked without a loss; but if the value of silver fall, by an increased quantity in the market, since the same amount of labor and other materials are requisite to produce the silver as before, and these at a higher price, it is manifest that the mine can no longer be worked; and that a duty, which should end in this result, would be most impolitic and ruinous. The only effectual laws for increasing production, and consequently a profit to the nation, will be those which afford the strongest encouragement to exportation. The great political economist, Ricardo, in his chapter respecting taxes on gold, has some remarks touching this subject, which do not seem to us altogether sound.

To make their views the more easily apprehended, by those members of the Congress not well versed in studies of this nature, the committee illustrate them by referring to the old regulation under the Spanish system. They affirm, that it is the same thing in effect, whether a tax be laid on the precious metals in the hands of the miner, as formerly, or a duty on exportation, which is supposed to be paid by foreigners. If the miner were now obliged to pay a tax of twenty per cent, or give one fifth of all he produces to the government, he would immediately find that he could not pursue his business without ruining himself. But the result would not be varied, although it would come less direct, if the same amount of duty were laid on exportation. The foreigner would pay it, in the first instance, it is true, but he would pay it in goods at a price advanced in proportion to the duty, and these goods the miner must purchase at this advanced price, by giving one fifth more gold for them, than he

would have done, had no duty been laid; which is just the same to him, as if he had paid one fifth of his gold in a tax, and bought the goods at a proportional price. The same will hold true of all the goods he purchases, whether of domestic or foreign production, because the prices of all will be raised alike. The effect of these principles has already been seen in Mexico. The freedom of commerce now enjoyed, has reduced the price of foreign goods one half below that, which they maintained under the old restrictive system of Spain. The consequence has been a corresponding reduction in the price of home manufactures, notwithstanding the prejudices of the people in favor of their old habits, the impulse of interest, and the exertions of native enterprise to give the goods of home production an ascendency in the market.

The committee close their report with two observations, in the nature of precautions, in one of which it is hinted, that a constitutional question is involved in the subject.

They state that such a measure, as the one contemplated in the proposed duty on the exportation of the precious metals, would derange the negotiations, which have been instituted in forming companies abroad for working the mines, and by which the fidelity of the government was virtually pledged to ensure as favorable prospects, at least, as those which existed when the engagements were made. The mining companies of Europe, employing in Mexico the capital of Europe, are conferring a great benefit on the nation, and actually providing the means for paying the interest on the loans, which the government has contracted abroad. Thus a mutual interest is growing up between Mexico and the European governments, by reason of the facilities afforded in Mexico for a profitable employment of capital, the consequent stimulus given to industry and enterprise, and the new and intimate commercial relations, that must necessarily be established. But impose this duty, and a check will be given to the companies already formed; it will prevent others from forming, and create jealousy, and a suspicion of the good faith of the Mexican government, and a distrust of its future wisdom and firmness.

The objection to the duty, on constitutional grounds, arises out of the local situation of the mines. The constitution of

the Mexican Republic provides, as in the United States, that all taxes shall fall as equally as possible on each part of the union. Now the principal mines are situate in a few only of the provinces or states. A tax on silver, therefore, would not be equally borne, but settle most heavily on the states where it is produced. This is deemed unconstitutional. How far this argument deserves consideration we forbear to decide, but presume it should be allowed as much weight at least, as similar arguments in our own congress, where it has never been complained, that the watch towers of the constitution were guarded by drowsy sentinels.

We have thus presented, in as perspicuous a manner as we could, the principles contained in the report of the committee on finance and mines, together with such illustrations and remarks of our own, as have occurred to us in pursuing the subject. The sound policy and just views of the committee must be obvious, and a clearer proof of the wisdom of the Mexican congress could hardly be adduced, than the fact, that this report was unanimously adopted, and no additional duty was laid on the exportation of gold and silver. The committee state explicitly, that in their opinion the nation would be benefited by taking off the existing duty of three and a half per cent, but as this subject was not referred to them, no specific measure to that effect is recommended. This duty will doubtless soon be removed by the same enlightened policy, which has prevented its being increased.

Mr Alaman's last report to the congress shows the Mexican government to be sedulously devoted to the best interests of the nation. Vigilant attention is bestowed in affording all the encouragement, which the present state of the country will possibly admit, to every branch of industry, to the means of education, to agriculture, manufactures, and internal improvements. During the disasters of the revolution, many of the old colleges have been neglected, and have gone to decay, by reason of their revenues being withheld or diverted to other channels. Some of these will be immediately restored, and others established anew. A spirit begins already to prevail, in a few places, which promises good results. In San Luis Potosi there has been a voluntary subscription of fortytwo thousand dollars, for establishing a college ; measures are adopting to restore another in Guanaxuato ; and in Celaya

one is now in operation, in which scholarships are endowed. Primary schools are formed, and the governments of some of the states are preparing to establish them in all the towns and villages, by passing laws and appropriating funds for the purpose. Schools on the plan of mutual instruction have been successfully established in San Luis Potosi, Guadalaxara, Guanaxuato, and other places. It is an omen in the highest degree auspicious for the future liberty and prosperity of the southern republics, that their rulers apply themselves with so much zeal in advancing the cause of education. Colombia has set a brilliant example, both by her laws and her practice; and the recent munificence of Bolivar, in aiding the schools of his native city, Caracas, has added a lustre to his name, which can never fade away, even if the glory of his conquests in defence of justice and liberty should perish.

It is a laudable effort, which the Mexican government are making, to restore and preserve all the ancient documents in the archives of the viceroyalties, and also the relics of antiquity now remaining. Several persons are constantly engaged in this work, and the arrangement of some of the branches is already completed in alphabetical order Mr Alaman relates, that the index alone to the documents pertaining to the branch of tobacco, which have been assorted and arranged, comprises two folio volumes. The branch of excise has an index, which, together with the printed tracts on the subject, extends to eightytwo volumes. The number of documents, which have been transferred to the secretary's office in three branches alone, namely, finance, ecclesiastical benefices, and indulgences, amounts to four thousand five hundred and ninetysix. All these are so arranged, that, by the aid of the index, any document can be immediately found. A curious history of the oppression, folly, and superstition of the old Spanish government in Mexico, will probably be one day drawn from this mass of materials. Many specimens of antiquity are still preserved. A museum to contain the whole is proposed.

Improvements are taking place in the manufactures of Mexico, caused chiefly by the abundant introduction of foreign fabrics, and the necessity of making articles nearly as good, to secure for them a market. Cotton spinning machines, on the plan of those in the United States, have been erected

with entire success. Privileges and monopolies for cotton manufactories have been solicited from congress, but as yet these have not been granted. A paper manufactory is established at San Luis Potosi, and another is erecting in the vicinity of Mexico. At Durango a glass house is in successful operation. Agriculture is pursued with more advantage than formerly; olive trees, vineyards, silkworms, and coffee are cultivated, and promise to open a wide and profitable field for future industry.

In short, the prospects of Mexico never shone so brightly as at the present moment. A form of government is adopted, which has been the deliberate choice of the people; internal commotions are quelled; the arts and the enjoyments of peace are taking place of the distractions, privations, and sufferings of war; habits conducive to a new and better state of things are rapidly forming; and the benefits of the change will soon be understood and deeply felt. The government is in the hands of men, whose patriotism and virtue have been tried by a long and bitter experience. Gaudalupe Victoria, and General Bravo, the President and Vice President of Mexico, have been conspicuous actors through the whole revolutionary scenes; they have always been found on the side of humanity, justice, and liberty; skilful in war, brave in battle, and true at all times, they have resisted tyranny with equal firmness, whether in the person of a Spanish viceroy, or a self styled emperor; their ambition has been to see their country independent, enlightened, and happy. With such men as these, aided by the political wisdom of others less known, but not less worthy, the liberties of Mexico are secure. We have fears, that the federative system of government will fail of its purposes, that some of the extremes are but ill qualified to act wisely for themselves, and that the parts in general are too loosely attached to each other to be easily controlled by the head. A temporary experiment of the central system, like that of Colombia, would have been more safe. But whatever intermediate events may occur, the result is certain; the Mexican people are fully qualified to govern themselves, and they will soon learn to do it in the best way.

Art. IX.—CRITICAL NOTICES.

1.—*A Sermon preached to the Church in Brattle Square, in two Parts, July* 18, 1824. By John G. Palfrey, A. M. Pastor of that Church. Published by Request. 8vo. pp. 81.

The interest of this discourse is not confined to the events commemorated by the preacher, as having been remarkable in the history of the Church in Brattle Square, but is increased by an account of the life and actions of men, who have held important stations in society, and been ornaments to their country. Among the clergymen, successively at the head of that church, have been men not only of the highest theological and literary rank, but who have exercised a wide influence over the political and social concerns of the community. Dr Colman, the first pastor, was a correspondent of bishop Hoadly, Dr Watts, and bishop Kennett; he was the medium through which benefactions to a large amount for Harvard College were received from Holden and Hollis; and he was often employed by the legislature of Massachusetts in drafting letters and addresses on the affairs of the colony. He died in 1747. Mr Palfrey speaks of him in the following manner.

'Among the worthies of the Massachusetts clergy, we can perhaps select no character, which we may regard with more thorough esteem, than that of Dr Colman; and not much more may be said of any man. If his mind was not of that class, by which great revolutions are produced in the intellectual or social world, it was still one of uncommon comprehensiveness, penetration, wisdom, and activity; and it had been cultivated by an enlarged acquaintance with books and men. His writings, besides giving token to a liberal spirit, a well disciplined understanding, various knowledge, and a warm heart, show, for the period in which they were produced, a remarkable acquaintance with the true beauties of composition. To nature and to opportunity he was probably alike indebted for a manly and winning address. Yet, formed as he was for the admiration of a community like this, by a union of accomplishments separately possessed by very few, he rose above the ambition of being eminent, to the ambition of being useful. With all his powers to impress and attract, he was not a man to be content with the notoriety, which consists in being followed by the tasteful, and applauded by the talkative. Like every other man, who thinks it better to be serviceable than to be flattered, he gave himself much to occupations, of which fame takes no cognisance. He was industrious, as every man needs to be, who would make

himself felt while he lives, and remembered when he dies. He possessed a truly kind heart, as is shown by his generous treatment of Mather, a man, whose character, intellectual and moral, has been sometimes astonishingly overrated; by his constant affection for his colleague, whose views were sometimes different from his own, and who was not a person very easy to differ from without estranging; and by the truly parental attachment, which, after his colleague's death, he transferred to his son. He was a man of liberal public spirit, and of active and enlarged benevolence. The poor of his charge always found in him a brotherly attention to their wants. The town was his debtor for improvements, which he hazarded his popularity to effect. The College, besides owing, in a great part, to his influence the brilliant presidency of Leverett, and the bounty of the Hollises and Holdens, was indebted to him through a course of years for various services, not more honorable and important than laborious. He was animated by the distinguishing spirit of Christian philanthropy, and desired to do extensive good to the souls of men. It was at his instance, that this Church, and others of the town, voted to make a contribution, twice in each year, to form what was called an *Evangelical Treasury*, devoted to the extension of the knowledge and influence of religion. He was a man, finally, of true piety, proved in a series of domestic trials, some of a kind the hardest to be borne; in the zealous services of a successful ministry, and by the uniform tenor of a sober, righteous, and godly life.' pp. 11—13.

For many years William Cooper was colleague with Dr Colman, and they were both succeeded by Samuel Cooper, so much distinguished for the active part he took in the early scenes of the Revolution.

'The ministry of Samuel Cooper,' says Mr Palfrey, 'had but just begun, when he lost the friendship and counsel of his and his father's venerable associate. He was a young man of great promise, which his subsequent life in no degree discredited. He had been known to the society from his childhood. He had had the advantage of the prayers, instructions, and example of a most pious and watchful parent. He had come from college with a blameless character and a high literary reputation, and he had inherited his father's place in the heart of the venerable shepherd of the flock. He had not begun to preach, when the society turned their attention to a supply of the vacant office; but partly, as it seems, through the influence of Dr Colman, he was invited to officiate here as soon as his studies should be completed. December 31, 1744, he was elected colleague pastor; and having made a request similar to his father's on the like occasion, was ordained, and entered on the active duties of his cure in the second following year, May 21, 1746.

'The life of Dr Cooper was one of various and conspicuous usefulness. His education, from the first, had been a suitable preparation for eminence; nor were his advantages wasted on an unpromising subject. Nature had marked him out for a leading man. Acuteness, vivacity, versatility, decision, and the capacity of severe application, were prominent characteristics of his mind. In addition to a person uncommonly dignified and engaging, and a most melodious voice, he possessed in remarkable perfection what seemed a natural fluency and grace, and he had cultivated the arts of writing and speaking with laborious assiduity. If not enjoying the reputation of being extensively learned, he was, however, familiar with the best writers, and was always found in possession of the information which the exigency required. To less uncommon endowments, he joined an address, and what is called a *talent for affairs*, which, if he had not been the leading divine, would perhaps have distinguished him as the most accomplished gentleman and adroit statesman of his country and time. He filled the clerical office at a period, when it had not ceased to be understood to give the right and opportunity to exert an important influence in public affairs; and in the revolutionary movements of this quarter, he had an agency scarcely second to any man's. He was the confidential friend of Adams, Hancock, and other leading spirits of the time. It was to him that the famous letters of Hutchinson were transmitted, which kindled such a flame against the English ministry and their government here; and among the writings, which alternately stimulated and checked the public mind in that season of stormy excitement, there were perhaps none of greater efficiency than those of Dr Cooper. If other hands launched the lightning, his guided the cloud.

'But it is chiefly of his ministerial character that I ought here to speak. With such gifts as those of Dr Cooper, it was impossible that a good man should not be eminently useful in his chosen and peculiar sphere of labor. Unhappily the Church records do not furnish materials for estimating the success of his ministry, having been almost entirely neglected by him in the midst of his various cares. It is certain, however, that his preaching was attended with as great interest, to say the least, as that of any of his cotemporaries; and that his society was numerous, and comprehended a large number of distinguished citizens. His published sermons,—methodical, elaborate, animated and impressive,—would certainly be ranked, in this better day of pulpit eloquence, as productions of unusual merit. It has perhaps been sometimes taken for granted, by persons not particularly acquainted with his habits, that the active part, which he took in political concerns, must have interfered with the punctual discharge of his pastoral duties. But of

this, no doubt, his parishioners were best able to judge; and I do not find that such an impression concerning him exists in the minds of the small remnant of them, who survive. On the contrary, I find strong traces of the respect and affection, with which his parochial services inspired them; and, while his name appears to the public view prominent upon the records of patriotism, in the memory of his religious associates it is embalmed no less in the odour of sanctity.

'Dr Cooper, like his predecessors, died suddenly; December 29, 1783.' pp. 15—17.

Dr Cooper was succeeded by Mr Thacher, whose character and high qualifications for his office are thus described by the author.

'With a view to fill the office vacated by the death of Dr Cooper, the attention of the society was turned to Rev. Mr Thacher, of Malden. The preference created by Mr Thacher's established professional reputation and peculiar eloquence, might not improbably be strengthened by regard to the earnest part he had taken in the late revolutionary struggle, and possibly, even, by partiality for a name, than which there is none more illustrious in the annals of the New England ministry. Mr Thacher had no sooner been introduced to the sacred office at Malden, which was so early as his nineteenth year, than he acquired a popularity so great, that it is recorded of him, that "no young man ever preached to such crowded assemblies." From his childhood he had devoted himself to the ministry of religion; and his whole mind, as it was expanded, had formed itself to this work. To rapid and clear conceptions, a temper equally affectionate and frank, a lively imagination, and a nice sensibility, he added the recommendations of a commanding presence, and a voice of extraordinary melody and compass. His preaching was direct, practical, and earnest; and, like each of his predecessors in this place, he is represented to have possessed, in singular excellence, the gift of prayer. "Whitefield called him the young Elijah." His fame had been extended by the circulation of some sermons, and a few other occasional works, which he had published; but he is said to have owed his remarkable popularity not more to his evident piety and zeal, and the power of his mind and style, than to the graces of a most captivating elocution.' pp. 18, 19.

Next in the succession of pastors of Brattle Square was Mr Buckminster, whose short life left so bright a page in the history of genius, letters, and religion; whose memory still dwells with a cherished freshness in the minds of many, that knew him while living; and whose name will remain an enduring star of glory, while virtue and intellect command the homage of men. Mr Palfrey recounts with feeling and eloquence the rare traits in the

character of this highly gifted scholar and christian. We have room for a short extract only.

'Dr Thacher died, December 16, 1802, at Savannah in Georgia, whither he had gone in ineffectual search of relief from a lingering pulmonary consumption. His successor was the late Mr Buckminster, who was ordained January 30, 1805, and died suddenly, June 9, 1812. In the sentiments of love and veneration, with which his memory is cherished, I can more entirely sympathise. Of other wise and good men, who have ministered in this place, I have only read and been informed. Him I have heard and known; and who, that has heard him, has not thenceforward found religion invested in his mind with a beauty unknown before? He was in truth a singularly gifted man; of a judgment discriminating, independent, and exact; of a fancy profuse of images of the grand and lovely; of a various and accurate learning; of a sensibility keenly alive to the importance of truth, and the dangers and obligations of men; of a pure and fervid zeal; of a truly heavenly spirit. He was formed to interest men in religion; to win them and attach them to it. No one could look on his intellectual beauty,—no one could hear the softest tone of his rich voice,—without loving the spirit that dwelt in the expression of them both. He spoke to solemnise the levity of the young, and inform the wisdom of age; to shake the sinner's purpose, and bind up in the softest balm of consolation the wounds of the Christian's heart. Those of us, who have heard him, with a force and feeling all his own, plead the claims of our religion, describe its value, and disclose its hopes, may not expect, while we live, to witness anything approaching nearer to what we imagine of a prophet's or an angel's inspiration. He was one of those, who seem appointed to the high and needful office of conciliating to religion the minds of intellectual and tasteful men. God does not abandon them in the mazes of their reasoning pride, nor leave them to lay the flattering unction to their souls, that ignorance is the parent of devotion; but, from time to time, prepares for them splendid proof, such as this was, that

> "Piety hath found
> Friends in the friends of learning, and true pray'r
> Hath flow'd from lips wet with Castalian dews."

Such a combination as is presented in the character of a man, eminent at once in Christian graces and in human accomplishments, has a vast efficacy to make religion understood and prized. Religion sanctifies the latter, and shows their proper uses; and, in turn, is itself nobly recommended, by being exhibited in this imposing and attractive union.' pp. 20, 21.

Mr Palfrey has added much to the value of his discourse by the large body of notes, which he has collected with great industry and

discrimination, and published as an appendix. These contain historical illustrations of many points, which could only be slightly mentioned in a general discourse. Among other things is a long and beautiful extract from the manuscript of President Kirkland's sermon, preached at the funeral of Mr Buckminster, for which Mr Palfrey acknowledges himself indebted to the kindness of the author. For our own benefit, and that of the public, we should be glad if other and more copious treasures could in some way be drawn from the same rich storehouse.

2.—*A History of the Political and Military Events of the late War between the United States and Great Britain.* By Samuel Perkins, Esq. 8vo. pp. 512. S. Converse. New Haven.

The time has hardly arrived, when a philosophical and impartial history of the late war can be written. Although the waves of party feeling have subsided, which ran so high and turbulent amidst the events of that period, yet their influence still lingers in most minds, which are as yet sufficiently mature for composing a history. The long cherished excitement, which preceded and accompanied the war, imparted a deep tinge to the political atmosphere of the country, from which few persons at this day can be supposed to be free. Mr Perkins, however, pretends not to write a philosophical history, but only to present a narrative of facts; and in this point of view, his book is a better arranged and more convenient manual, for speedy reference to all the important incidents relating to the last war, than any we have seen.

The author takes up the subject *de novo*, and goes back to the origin of the doctrine, introduced by England into the law of nations in 1756, in regard to the commerce of neutrals with the colonies of belligerents, namely, 'that no other trade should be allowed to neutrals, with the colonies of a belligerent in time of war, than what is allowed by the parent state in time of peace.' He justly dates the commencement of the difficulties, which grew up into the late war, in the promulgation of this arbitrary law. It gave rise to the ridiculous notion of paper blockades, unjust prohibitory decrees, and the odious practice of impressment on board neutral vessels. In short, the retaliatory regulations adopted by England and France during the last continental war, the orders in council of the one, and the Berlin and Milan decrees of the other, showed an unprincipled disregard of the rights of neutrals, and of the acknowledged and sacred laws of nations, which, if persevered in, would speedily dissolve the relations of civilised society, and bring upon the world

a new age of barbarism. The method pursued by the author is first to recount some of the causes and events, which induced the war. He then proceeds to give a brief outline of the debates in Congress on the subject, the views of the two parties, and the constitutional questions that came up for discussion. The main body of the work follows, in which all the important incidents of the war are narrated in a style and manner sufficiently perspicuous. The whole is closed with an account of the circumstances, which led to the negotiation for peace, the Russian emperor's offer of mediation and its failure, the meeting of the American and British commissioners, the topics of discussion between them, and the final result of peace.

The general execution of the author's task may be commended; his method and the divisions of his subjects are excellent; and his style is, as it should be in a work of this sort, clear and expressive, and never encumbered with affected, or ambitious ornament. But we have faults to complain of. He is not choice in his use of words. We have *progressing* and *grade*. It is true our Congress and executive cabinet have almost rendered these words national, as well as *locate*, and *sectional*. But literary men should be the last to yield to innovations of this sort, arising more from ignorance than necessity. Another fault is an extreme negligence in omitting marks of quotation, and thus making the reader think he is enlightened by Mr Perkins's ingenious reasonings, or profound discussions, when in fact he has been listening to an extract from a public document, or official report, or a speech in Congress. This fault may be the printer's, but from whatever quarter it comes, it is without excuse. We do not in all cases commend the author's judgment in the selection of his materials. For instance, the muster roll of the Macedonian; the private letter of Commodore Bainbridge about the sailors' prize money, and about one sailor's 'marrying his Poll,' and another's 'sending his little Jack to school;' and the letter of the ladies of Chilicothe with a sword to the 'youthful soldier' of Sandusky, and the 'youthful soldier's' reply; these are not matters of grave history. Let the facts be stated if necessary, but the details are trifling and inappropriate. The circumstantial account of the trial of General Hull is singularly out of place. History required only the results; and more especially at this time, when, from the recent investigations of the subject, the public seems entirely convinced, that whatever mistakes of judgment General Hull may have committed, and whatever censure these deserved in an officer with his responsibility, yet the course pursued towards him was precipitate and rash in the extreme, founded on an imperfect view of the whole case, and conducted under circumstances peculiarly aggravating to the accused. General Hull was a brave and meritorious officer throughout the whole Revolution; he was

the intimate friend of Washington, and no lisp was ever heard, that he did not do his duty as a soldier and a patriot. Is the page of history to be blackened by a disgraceful censure on such a man, because in an evil hour he took charge of an expedition, the ultimate failure of which no human sagacity, or wisdom, or courage could have prevented? Are the services of a life to be blotted out by the mistakes of a day, or is the fair fame of a hero of the Revolution to be sacrificed forever to screen the faults of those, whose negligence or want of foresight contributed, as much as anything, to the disasters into which he fell? We are no apologists for the indiscretion, or the errors of General Hull; he may have committed these like other men; but we protest, and every American at this day ought to protest, against having this transaction recorded as a part of our history, unaccompanied with that strong disapprobation, which the justice of the case imperiously demands.

3.—*Mercantile Penmanship reduced to a regular System of Chirographic Drawing, the Letters classed according to Similarity and Simplicity, and elementary Words ranged upon the perpendicular Column.* By Allison Wrifford. New York. 1824.

If the value of an art may be allowed to bear any proportion to the extent of its use, few can claim a higher rank than that of Chirography. It has been called the 'soul of commerce, the picture of the past, the regulator of the future, and the messenger of thought.' Since this art is so universal, and comes so perpetually before the eyes of all classes of society, why should not a beautiful hand writing be deemed among the most desirable accomplishments in a finished education? To write legibly is necessary, but taste, elegance, and beauty of execution seem to be much less sought after in this, than in many of the sister arts, where the utility is much less, and where skill deserves not higher commendation. It is somewhere said, that a beautiful specimen of penmanship is 'a speaking picture;' and like other pictures it will gratify the eye, and add to the sum of refined enjoyment, in exact proportion to the degree of perfection with which it is executed. To copy the objects of nature on canvass is no doubt a useful and elegant exercise of the imagination and judgment, but the taste is hardly more improved by it, or the faculties better disciplined, than in forming with grace and ease, as the fancy may dictate, those lines of speaking beauty and meaning, which tell of thoughts never to be uttered by the mute voice of nature, or shadowed forth by its most varied images.

To those, who have marked the progress of improvement for the last twenty years in the art of teaching, the labors of Mr Wrifford are not unknown; and such persons will duly estimate the value and importance of the work, whose title is placed at the head of these remarks. By the most unremitting exertions, the author has successfully combated the obstinate prejudices in favor of the old methods of teaching Chirography, and introduced one founded on scientific principles, the only means by which certain success can be reasonably expected.

He introduces his subject by a preface, in which are imbodied many valuable observations, the result of his own experience. We fully concur with him, that 'the nature and true character of Chirography, or writing, has been overlooked, and the application of systematic principle and mode of instruction in its practical attainment, has been disregarded by the ingenious and scientific for ages. Our predecessors have, from time out of memory, and down to the present day, viewed and taught writing as an act to be acquired by the "mere dint of practice;" and governed by these delusive impressions, they have caused *large and small text hand* to be taught in schools, and to be written year after year by the same scholar, in the vain hope, that this course of practice, which was, and is pursued without motive or definite direction, would eventually, some how or other, lead to a useful style for common buisness.' These views are just. The light of science should be resorted to in all cases, where it can be effectually applied. Method and system are essential to rapid attainment and permanent impression; and from Mr Wrifford's thorough investigation of the elements and practical details of his favorite art, it cannot be denied, that he has developed principles, formed combinations, and deduced results, which greatly facilitate the means of acquiring a ready and beautiful hand writing.

This is an art, which, of course, cannot be reduced to positive rules, because these rules, although founded on science, must be modified by principles of taste, upon which no two persons will perfectly agree; but as far as any system can be made a general standard, we should suppose that Mr Wrifford's experience, judgment, and good taste as a chirographer, better entitle his practical system to hold this rank, than any other with which we are acquainted. The work does not want 'the testimony of hundreds of the most distinguished citizens of America, who have examined the merits of the plan, and tested [?] its efficacy by experience in their own families.' To this testimony we cheerfully add that of our own observation, having witnessed instances in which quite adult pupils, under Mr Wrifford's management, have improved with a rapidity approaching the marvellous. This success, however, is probably owing as much to the skill of the teacher, as to the excel-

lence of the system. Mr Wrifford, by long habit, and perhaps a peculiar original aptitude, seems to possess that happy secret in all successful instruction, of seizing those moments, when the attention of the pupils can be caught and effectively operated upon.

Our limited space will not allow us to enter into a general detail of the interesting particulars, relating to the author's method of instruction; nor could we, if so disposed, lay before the reader anything like a just view to be derived from inspecting the method, as taught under his own direction. The style of his composition is peculiar, sometimes eccentric, and not always in good taste, yet these defects can detract nothing from the merit of his system, nor from his reputation, as an excellent, successful, and thoroughly practised teacher of Chirography. The elegance and beauty of the drawings, which accompany the work, afford complete proof, that he has spared neither pains nor expense to render it the most finished of the kind, which has come before the public.

4.—*A Summary View of America, comprising a Description of the Face of the Country, and of several of the principal Cities; and Remarks on the social, moral, and political Character of the People; being the Result of Observations and Inquiries during a Journey in the United States.* By An Englishman. 8vo. pp. 503. London. 1824.

So much abuse and folly have been published in England, in books purporting to be travels in the United States, and so much ignorance and stupidity, as well as unfairness, have been palmed upon the public in the works of this description, that all interest for them seems to have died away, even with the most inquisitive and reading part of the community. It is mainly on this consideration of the subject, that we can account for the fact of the 'Summary View' not having been published in this country, although it issued from the press more than a year and a half ago in England, and is on the whole written with as much candor, as any person could be supposed to have towards a foreign country, and evidently contains the results of close observation, and no small degree of knowledge. To those, who judge only from experience of the past, this will be thought to be saying a great deal in favor of an English traveller in America, but as great an anomaly as it may seem, we nevertheless think, that this meed of approbation is at least due to the 'Englishman,' who has favored us with the volume under notice. And we will add, moreover, that, in spite of his prejudices, which it sometimes costs him a hard struggle to keep down, he writes with as good a spirit, and with as open a disposition to learn the reality, and report it fairly, as any American could reasonably desire.

The author tells some truths not the most flattering to our self prepossessions, nor grateful to an American ear, but it is our duty to listen to them with patience, and to profit by such as it gives us no pleasure to hear. His remarks are now and then tinged with a spice of *cockneyism*, and he sometimes has a gossiping way of relating incidents, which detract somewhat from the dignity of his work, but when these are accompanied with a good temper, and a philosophical resolution not to be biassed by appearances, nor to draw hasty conclusions, we can easily endure them. It may be safely believed, that the author had it not in his thoughts to make any false impressions, in regard to America, or to indulge a vein of humor or sarcasm at the expense of the people, whose manners and character he aims to describe.

The following topics, among others, constitute the heads of his chapters, namely ; face of the country ; conveniences of travelling ; men ; women ; domestic life ; spirit of conversation ; patriotism ; hospitality ; politeness ; religion ; slavery ; colonisation society ; English language ; oratory ; literature ; government ; political parties ; law and jurisprudence ; manufactures ; fine arts ; morals ; national character. Now it is quite evident, that several of these subjects are such, as no foreigner, who had resided but a few months in the country, could be qualified to discuss with any fulness or pertinency. In remarking upon them, therefore, it is not surprising, that our traveller should frequently say little to the purpose, and enter into speculations betraying at the same time his ignorance and his indiscretion. What, for instance, could he be supposed to know of our literature, government, political parties, jurisprudence, and national character? These things are not to be learnt in a month or a year. The author shows, that he has been industrious in collecting as many facts pertaining to them, as his limited means would allow ; and that he aims to represent these in a fair and proper light, according to the best of his knowledge ; but after all, his important facts are exceedingly scanty, and his notions crude. It could not be otherwise. The chapters on slavery and the slave trade exhibit little else, than a total ignorance of the origin and history of our political and civil institutions, and the credulity, benevolence, and amiable zeal of the author. His hatred of slavery is just, but misapplied ; his visions are bright, but airy as the dreams of an enthusiast, or the mists of an autumnal morning. He talks of our literature without reason or discrimination, selecting books for his criticism, of which no American ever heard, and sometimes passing judgment with a pertness, which no wise man of any nation would approve. He was much scandalised at the violation of syntax, and otherwise faulty style of the Annual Report of one of the New York Charity Schools, and a publication of the Philadelphia Society for promoting Agriculture. Some writer in

the Reports of the Colonisation Society amused him with the loftiness of his flights. From these sources he draws the first elements of his opinion of our national literature. He then goes on to examine books, and of Mr Jefferson's Notes on Virginia he confesses, that, 'exclusive of the bigotry and prejudice conspicuous in it, the performance is creditable to him.' How indulgent a critic! The Life of Franklin 'exceedingly interests us,' but we hear nothing of his powerful works on politics, civic economy, and philosophy; these it may be presumed our worthy Englishman had not found time to read. But what surprises us most is, that our country is famous for its travellers in Africa and Asia. 'Now and then,' says the critic, 'some one makes an exploratory journey into Africa and Asia; yet how little have they contributed to cosmography.' How little indeed! Not a single cosmographer, we believe, adorns with his presence any part of the United States, whose renown can justly be claimed as a nation's boast, unless it be he of the west, whose struggles have been to get at the centre, rather than to roam on the surface of the earth. We must lament our ignorance, at never having heard of any of these 'exploratory journeys' into Asia and Africa by our countrymen. Since the days of the ill fated Ledyard, we know not the American, who has turned his face to the perilous enterprise of exploring Africa, unless it be the shipwrecked, renegade sailor, known by the name of Robert Adams, who called himself an American, and who had the address to deceive a whole bench of lords and gentlemen in London, and induce them to publish in a spacious quarto, under the sanction of their names, a fabricated narrative of a journey to Timbuctoo. This fabrication is not a sin for which our literature is accountable. But we have not time to follow the author through his chapter on American literature. He tells us, that, while he was in this country, he wrote for some journal a review of 'an octavo volume published at Boston,' but he had 'forgotten both the author's name and the title of the book.' We may have been precipitate in speaking with so little respect of the opinions of a professed reviewer, but still our judgment must be, that he has meddled with a subject, with which he was very little acquainted, and that it requires all his good nature to redeem the blunders, into which by his critical propensity he has been unwittingly drawn.

The author encountered some marvellous incidents in America, but not more, perhaps, than usually occur to travellers as enterprising as himself. He was quite shocked to hear certain New Yorkers pretend in conversation, that their city would in a century become the rival of London, and affirms that such a thing is 'only to be mentioned to show its absurdity.' It has been rumored at home, to be sure, that the New Yorkers are beginning to assume consequence to themselves in anticipation of their future greatness,

which is to grow out of the length of the grand Canal, and other advantages pertaining to the great commercial emporium of the western world, but we have not till now been informed of their habit of besieging foreigners on this account, till they deserved the charge of absurdity. The writer also makes the discovery, that 'no city in America is under more mob influence than New York;' and he puts in a feeling protest against the savage custom of 'using pigs for scavengers,' a practice, he adds, 'of which many of the inhabitants are ashamed.' It is a pity, that the New Yorkers should be ashamed of their own customs, and we leave the matter for them to consider and digest, subjoining only the further declaration of our traveller, who speaks authoritatively on the subject, that 'pigs ought not to be allowed to be kept even in a yard within the boundary of a city.' Such New Yorkers, as would be further informed, must consult the volume itself.

In our good city of Boston the author resided but a short time, and pays us only a passing tribute. He ascended the dome of the State House, and says the view from it is the finest in America. Next to this in extent and beauty, he considers the view from the Washington monument in Baltimore. For the edification of those, whom it may concern, we give, in his own words, an account of the chief event, which happened to him in our city.

'I was present,' says he, 'at a meeting of the Debating Society of Boston, when a question was proposed for discussion on the policy of prohibiting usury. The first speaker was a short, jolly man, who seemed much more likely to please a dinner party by acting as their chairman, than to throw light on an abstract question. He began with diffidence; a good symptom; but after blundering through his speech, bewildering himself and his auditory, he concluded with no more confidence than he manifested at the commencement. The second speaker was quite as obscure, though with rather more assurance. The third, with some appearance of method in the handling of his subject, and with the air of a man, who is to bear down all opposition, floundered in the mud of his own spreading, till he had tired himself, and blinded those about him. The chairman was about to put the question, when a gentleman suggested that if the debate were adjourned, some further light would be thrown on it at another meeting. Some one might have told him, that there had been "no light, but rather darkness visible." The motion for adjournment was carried, and the meeting dispersed, having, as I thought, shown a most exemplary patience.'

The author met with occasional troubles and inconveniences of a personal nature, in the course of his travels, as well as moving testimonies of the negligent habits of Americans, which ought not to pass unnoticed. 'Let me mention,' he says, 'that I went into a draper's shop at Fredericksburgh, in Virginia, to purchase a night-

cap, but no such thing was to be had. I tried a second, and was told that no dealer in the town kept nightcaps, as the people did not use them. At Richmond I obtained one.' To the credit of Virginia let it be spoken, that it has one town in which nightcaps are both used and sold. This affair of the nightcap brings to mind, by the laws of association we presume, another passage in that part of the author's work, in which he is treating of national character. He is complaining of the 'want of exactness in the domestic and other common transactions of life;' and here, we are sorry to say, he is alluding particularly to the ladies of these United States. 'This want of exactness,' he observes, 'is obvious in the deportment of female servants, whom I have seen, when not actually engaged in waiting on the company, leaning on their elbows near the door or window. Now it is evident, that their mistresses would teach them to adopt a more becoming attitude, if they themselves did not share in the prevalent carelessness. I am inclined to ascribe the custom of female servants not wearing caps to the same disposition. What can be said in excuse for their mistresses, who might surely persuade them to adopt a dress less disgusting, than that of heads of hair loose and dirty like mops? After they have finished their work, they are it is true sufficiently neat; but how is it possible to keep their hair in order without caps when engaged in it?' Ah, indeed, how is it possible? This question we must leave to the American ladies to answer; desiring them, however, not to indulge any unkindly feelings towards the traveller for these gentle hints, as in numerous instances he has bestowed upon them a full measure of compliments for their remarkable qualities, and a profusion of thanks and expressions of gratitude for their civil and hospitable attentions to him.

In short, we are in sober earnest prepared to say, that the American must be hard to please, who can find it in his heart to censure the prevailing tone and spirit of this work. The author undertakes too much, and falls greatly short of his aims; had he confined himself to a narrower compass, and talked only of what he knew, he would have been more wise, and doubtless committed fewer mistakes. As it is, his volume is in all respects superior to three quarters of the books of travels written by Englishmen, which have been republished in this country. Why this has been suffered to pass by we know not, except from the cause suggested at the beginning of these remarks. It will do Americans no harm to hear their foibles, their national prejudices and follies exposed, by intelligent and candid foreigners; this will be one way of convincing us, that we are not the most enlightened people on earth, as it is said we boast of being; especially can we endure these things, when we have the privilege of laughing as much as we please at the ignorance, presumption, and self importance too often displayed

by the writers, who undertake to reveal our faults, and become the censors of our manners. Indignation must sometimes be excited by downright stupidity and impudence, but for the most part the effusions, which have gone out from the English press respecting America, have been worthy of little else than neglect for their worthlessness, or contempt for their vulgarity and falsehood.

We trust a better era is approaching; and, indeed, it may be reckoned as an encouraging symptom of the commencement of such an era, that American literature, such as it is, begins to be better understood than formerly in England. Many of our popular works are now reprinted and circulated in that country. Mr John Miller, publisher and bookseller in New Bridge Street, London, has recently brought out English editions of the 'Pilot,' 'Redwood,' 'Lionel Lincoln,' 'Poinsett's Mexico,' 'John Bull in America,' 'Percival's Poems,' and that interesting little tale, the 'Travellers,' by the author of Redwood. These we understand have all met with such success, as to be satisfactory to the publisher. Mr Miller deserves the commendation of our countrymen, for the strong interest he has taken in making our literature known to the British public. He has established a library, which he calls the 'American Library,' and in which he endeavors to collect all the valuable American publications of the day, and such books of anterior date as he can obtain. It will be doing a service to the literature of the country, if authors and publishers will keep this institution in mind, and send new works to Mr Miller, to be deposited in his library and open to the inspection of reading persons in London. The merits of many performances will thus become known there, which may be thought adapted to publication in that country, but which might otherwise never come to the knowledge of a London publisher. We may here add, that the circulation of our own Journal in England has increased much more of late, than at any former period. This is a slight proof, we flatter ourselves, that the edge of prejudice is wearing off. In France our book has the honor of being inserted on the proscribed list; and it is seized at the customhouse, whenever a straggling copy seeks hospitality in the dominions of his newly crowned majesty, Charles the Tenth. But we have the consolation of seeing its name in good company there, and as we do not write for the edification of kings, nor the slaves of kings, we shall not repine at this mark of disapprobation, with which our labors are branded by those, who fear the contagion of liberty and truth.

5.—*An Address delivered at the Opening of the Tenth Exhibition of the American Academy of the Fine Arts.* By GULIAN C. VERPLANCK. New York. 1825. Second Edition.

6.—*An Address delivered at the Opening of the Eleventh Exhibition of the American Academy of the Fine Arts, May 10th*, 1825. By WILLIAM BEACH LAWRENCE. New York. 1825.

WE cannot take notice of these performances without a deep feeling of mortification for our own city. We have been too much accustomed to believe, that our fellow citizens were prompt to perceive, and quick to promote any object of general utility, patiently to see them so outstripped as they have been in the cultivation of the arts, which embellish human life and elevate the human character. In Philadelphia and New York academies have been for several years established, which have contributed in no mean degree to the improvement of the public taste, and which afford ground for the best hopes for the advancement of the arts of design; while we have as yet taken no steps for the general diffusion of knowledge and correct taste, upon so important a branch of intellectual cultivation and national refinement. This appears to us the more remarkable, as it can hardly be doubted, we conceive, that there exist in this city abundant materials, as well of specimens to form a valuable collection, as of talent to increase and taste to enjoy them. The use of the means we already possess, would do much towards multiplying them, and we wish that those, whose taste is sufficiently cultivated to perceive and ridicule our deficiencies and faults, could be persuaded to use some effort to diffuse that skill, of the want of which they complain. A very slight effort only would be necessary, and it would be well rewarded.

It should be remembered too, that no moment can be so favorable as the present. We have among us artists, whose fine talents are acknowledged wherever they are known, whose genius ought to be encouraged by every appropriate reward, and whose future enduring fame will be rather a disgrace than an honor to us, if they are left to struggle with neglect. We are beginning to think it necessary to erect monuments to commemorate the great events of our history; and our public buildings are now constructed with more regard to durability than formerly. It will be a subject of regret, therefore, to many generations, if every effort be not now made to improve in purity of style, as much as in strength of structure. If a young man of talent determines to devote himself to the study of almost any department of the fine arts, the first thing he has to do

is to exile himself from his home, that he may have some means of education at his command. These means might to a considerable extent be easily furnished here; artists might at least be enabled to begin their course aright, and it would be no difficult matter to induce them to return from the studies, which it would still be necessary to pursue abroad, and thus render themselves as truly American in their works as in their birth.

These are some of the reasons for beginning an establishment for the promotion of the fine arts among us, and if there be any reason against it, we profess ourselves ignorant of it. There is enough of wealth, leisure, talent, and cultivation; it will be honorable to do it, and disgraceful longer to neglect it; we hope, therefore, soon to have occasion to exercise our critical talents upon addresses delivered before a Boston Academy. We should esteem it no slight advantage of such an establishment, if every year were to produce among us an address as agreeably written, and as full of correct principles of taste as that of Mr Verplanck. We wish we had room for much comment and quotation, but we must content ourselves with extracting the following eloquent passages.

'Pleasing and elevating as is the study of the elegant arts, considered simply as an exercise of skill and taste, it is besides capable of producing other and more admirable results. Its immediate effect is to direct the attention more closely to the truth of nature. It next leads on its real votaries, from the pleasure derived from the mechanical imitation of nature's ordinary appearances, to the deeper delight afforded by the selection of whatever is grand or graceful in her forms, powerful or lovely in her expression. Then it is that new susceptibilities to some of the purest and most exquisite of mental pleasures awaken gradually in the breast, and we become conscious of sentiments and powers before dormant and unknown. We no longer gaze around with that gross, material sense, to which nought but material objects can be present and visible. A keener mental sight opens within. To the eye of sense, the whole earth may be cold and blank; while to the eye of cultivated imagination, every part of creation beams with rays of light, and glory, and beauty.

'In such moments—for alas! they are only moments—the world loses its hold, base cares and bad passions flit away, and the mind, though not redeemed from the thraldom of vice or the burden of sorrow, is for a time calmed and purified.'

'It is true that the Arts have been at times the inmates of corrupt and despotic courts, the flatterers of tyranny, the panders of vice. But the alliance is not necessary,—it is not natural. If the fertile and spirited pencil of some of the ablest masters of the elder French school, wasted its powers in allegorical adulations of a

despot and a bigot,—if the higher genius of Italy could sometimes stoop to yet baser prostitution, let us remember that such is the condition of man. Every acquirement may be abused, all talent may be profaned. Poetry, science, history, have each in their turn been bent to serve some bad use. Boileau is the most abject of flatterers, Dryden panders to the profligacy of a licentious court, Laplace is the advocate of a blind and mechanical atheism, Hume lends his matchless acuteness and the never tiring fascination of his style, to cheerless skepticism, and to cold blooded defamation of the champions and the cause of liberty and conscience! What then? Is ignorance therefore necessary to virtue or to freedom? Is the cultivation of the imagination, the taste, and the reason,—of all those faculties, which distinguish man from his fellow animals, unfriendly to the improvement of the moral powers? Believe it not. Patriot, moralist, christian, think not so meanly of your sacred cause,—wrong it not by unworthy suspicions.'

The address of Mr Lawrence bears marks of being the work of a man less used to the toilsome effort of literary composition, less accustomed to the still severer task of thinking for himself. He bows with a little too much submission to the authority of great names, and Michael Angelo, Canova, and Jefferson seem to be to him a sort of synonymes for greatness. The propriety of introducing a discussion on commerce and manufactures into an address on the fine arts may also be questioned. But the author fairly tells us at the beginning, that being 'uninstructed as he is in the different branches of *design*, it is not his intention to incur the charge of presumption, by assuming the office of the professional critic.' As a safer course, he confines himself to a cursory historical notice of 'some of the most interesting epochs of the arts.' In this undertaking he shows a wide knowledge of antiquity, and great industry in collecting facts suited to his purpose. The following biographical sketch of Canova may be taken, as showing the tone and character of his composition.

'In Venice, the artists had always been remarkable for gaudy splendor rather than for elegant simplicity, and the decline of commerce had withdrawn, in a great degree, the patronage by which they had been sustained. In a small town of the states of this republic was born, in 1757, Antonio Canova. Though his first years were passed in an obscure situation, the pursuits of his early life were, in some measure, connected with his future profession. His ancestors had been for generations marble cutters in the village of Passagno. Under the direction of his grandfather, Canova made considerable progress in the mechanical department of his art. Two years' instruction from those, who then sustained the best

reputation among the sculptors of Venice, completed the amount of assistance for which he was indebted to the advice of others. Resolved to free himself from the shackles, which bound his contemporaries to vile mediocrity, Canova determined no longer to imitate the miserable productions of the decline of the art; but, while he was indefatigable in his studies from the antique which the Venetian academy furnished, he made simple nature his principal guide. Anatomy he pursued as essentially connected with the profession of his choice, and in this science he was far from confining himself to a theoretical knowledge. Aware that mechanical superiority could do little for an artist in a pursuit, in which lofty feelings and poetic imagination are requisite to inspire the sentiments to be delineated by the chisel, he cultivated the collateral branches of science and literature. Canova opened his *studio* at the age of sixteen, and his earliest productions obtained for him the first place among the sculptors of his native state. In his twentythird year he became permanently settled at Rome, and, as nature had always been his instructress, he had no false principles to unlearn. But such was the assiduity with which he applied to the study of "the calm heroic" of the ancient models, that his first work, while he was yet a guest in the Palace of the Venetian Ambassador, was universally pronounced "the most perfect that Rome had seen for ages." The life of Canova was devoted to the art, with which his name will be associated in history. "His statues," as he himself observed, "were the sole proof of his civil existence." When Italy was aroused from the slumber of ages, to Canova was assigned the high distinction of supplying, with his own sculpture, the vacancies in the Vatican occasioned by the removal of the prodigies of Grecian art.'

We must protest against new and strange words, especially in a discourse on the fine arts, where good taste ought to predominate. Mr Lawrence tells of wealth *reproductively used.*

7.—*A Plea for Africa, delivered in New Haven, July* 4, 1825. By Leonard Bacon, Pastor of the First Church in New Haven. 8vo. pp. 22.

It is the purpose of Mr Bacon, in this eloquent and animated discourse, to show the advantages contemplated by the American Colonisation Society, the immense field for useful exertion spread out before it, the benevolence of its designs, and its claims on the public for approbation and efficient support. He draws in glowing colors the picture of Africa in its present state of degradation. For

ages the nations of the civilised world have combined to tread the inhabitants in the dust, to rivet the chains of servitude, and overwhelm with misery and desolation a continent, suited by nature in many of its parts to be among the fairest and happiest portions of the earth. The wrongs heaped on Africa, and the outrage practised upon human nature, by the foul disgrace of the slave trade, can never be atoned for; the deed is of too aggravating a nature, to admit of the least palliation in the circumstances of the case, and its crime of too black and deep a die, to be in any degree weakened by long years of penitence and regrets. To stop the progress of the evil is all that can now be done. And this can be done.

Let the light of civilisation be kindled up in Africa, and you will find there hearts of as much warmth, and minds of as much power, as in any other part of the globe. If this object is ever to be attained, it must be through the instructions and example of persons, who settle in the country, and diffuse the means, and prove the benefits of civilisation. In the United States we have stronger motives, than even that of benevolence, for aiding such a plan; we have a population fast increasing upon us, whose removal, by every method, which can be made practicable to this end, the best interests of the nation loudly demand. Not that we look for the time, when the whole black population of the country will go over to Africa; how many or how few will at any future day make this voyage, is not a subject with which we concern ourselves; we anticipate nothing, predict nothing; but of one thing we are certain, which is, that the Colonisation Society, with the noble and generous objects for which it was instituted, and by which it has been conducted, cannot possibly produce any other than good results. If one person only is sent away, and prosperously settled in Africa, it is a benefit to this country, and a benefit to that, without doing any harm to either. If ten are sent, so much greater is the benefit; and if a colony is established, affording a home to hundreds and thousands, the gain is still increased in the same proportion. In short, much good is *certainly* done, and no harm can *possibly* follow. Such in reality are the facts of the case, in regard to the labors of the Colonisation Society, and the colony it has built up at Liberia. With this view of the subject we heartily wish success to the Society, and are gratified to find so able a pen as Mr Bacon's engaged in defending a cause, which we deem of great and lasting importance.

8.—*A Polyglot Grammar of the Hebrew, Chaldee, Syriac, Greek, Latin, English, French, Italian, Spanish, and German Languages, reduced to one common Rule of Syntax, and a Uniform Mode of Declension and Conjugation, as far as practicable; with Notes explanatory of the Idioms of each Language, a succinct Plan of their Prosody, and an extensive Index; the whole intended to simiplify the Study of the Languages.* By Samuel Barnard. 8vo. pp. 312. Philadelphia.

So completely has Mr Barnard described the plan and purpose of his work in this copious title, that we can add nothing to make these better understood by the reader. In looking over the volume, we have been struck with wonder at the author's industry and perseverance in collecting, and laboring to methodise, such a mass of particulars; but we fear the success of his undertaking will be in no degree proportionate to the toil it has cost him to carry it through. Learners will find his book too abstruse and complex, while it contains little, that is not familiar to the skilful linguist. As a work of convenience and curiosity for those, who would obtain a superficial view of several languages, and see their various forms and inflections compared, it has some value; but as an aid to a philosophical investigation of the principles of speech, or to the acquisition of grammar, words, and idioms, it is unquestionably ill contrived. In a long and elaborate preface are several judicious remarks on the characteristics of the English language, as compared with those of the ancients. But it is observable, that in grappling with so many languages, the author has in a good degree lost the power of writing his own. He is constantly obscure and indefinite, using words loosely, and bringing together combinations so incongruous, as to produce but feeble impressions on the mind.

9.—*Address delivered before the Palmetto Society, of South Carolina, in Commemoration of the Defence of the Palmetto Fort, on Sullivan's Island, (June 28th, 1776).* By William Crafts. 8vo. pp. 21. Charleston. 1825.

This very handsome Address deserves conspicuous notice among those, which the return of the half century anniversary of the Revolution is constantly bringing forth. The memorable defence of fort Sullivan, since called, and most deservedly, by the name of the hero, who conducted that defence, yields in gallantry to no action of the revolutionary, or any other war. Mr Crafts

has celebrated it in a happy strain. A leading portion of his discourse consists of a narration of the events of the day, in language, which though scarcely elevated above the historical tone, certainly forms the most appropriate style for such a commemoration. In rare instances, indeed, like that of the 17th of June, when an occasion, an audience, and an orator are met, such as no subsequent coincidence can hope to parallel, we wish the address to take a higher, and, if we may so express it, a more lyrical strain ; and to leave beneath it all mere narration of incidents. But it is certainly the judicious course, on most occasions of revolutionary commemoration, as far as the nature of a public address will permit, to let the gallant exploits celebrated tell their own tale, in their own simple recital.

That the defence of Fort Moultrie, at least, did not suffer by this style of commemorative address will, we think, appear from the following passage. After very beautifully describing the approach of the English fleet to Charleston, and the defenceless state of the fort, Mr Crafts proceeds.

'Had the advice of General Lee, to abandon the post on Sullivan's Island, met the accordance, instead of the pointed reprobation of Mr Rutledge, the enemy would have found easy access to our city. But that gentleman, with a boldness of spirit and sanguine confidence, which defied danger, wrote General Moultrie that he would cut off his hand rather than sign an order to abandon the fort. General Lee, however, had, in the hopelessness of defending it, withdrawn nearly all the garrison, the larger portion of which he detached to another quarter, as if to concentrate the rays of glory on the remainder. So little effect did he anticipate from Moultrie's defence, that during the engagement he sent messages to him, allowing him to spike his guns and return whenever he pleased, suggesting modes of retreat,—having previously left him to fight the battle with scarcely any ammunition. So confident, on the other hand, was President Rutledge of success, that when, during the battle, he received a demand for more powder, he sent five hundred weight, telling Colonel Moultrie that his collection was very small, and he must make out to conquer with that. Under these disadvantages, in a fort, exposed in its rear and on one of its sides, with a small garrison, protected by palmetto logs, and barriers of sand, with scarcely more than twenty pieces of cannon, did this brave commander, at the head of his gallant associates, defeat, after a fierce cannonade of twelve hours, a British squadron, mounting two hundred and fifty guns, and fought by near two thousand men. The loss of the enemy nearly equalled the strength of the garrison, which suffered, comparatively, a most trifling loss, and would have inflicted much greater injury on their assailants, had not the scarcity of ammunition compelled them to suspend their fire

occasionally, which gave rise to the ill-timed exclamation—"*the Yankees have done fighting!*" That which had been called a slaughter-pen, proved an asylum; those floating castles, which came, in the proud assurance of victory, were turned into slaughter-pens; the commander of the squadron severely wounded, was, at times, left alone upon his deck; the last royal governor, that South Carolina ever is to see, was mortally wounded in the conflict; one of the ships of war was taken and destroyed; all of them were dreadfully shattered and put to flight, and the proud ensign of Great Britain retired in dismay from the virgin flag of South Carolina. Having reembarked their four thousand troops from Long Island, the invader's squadron abandoned their unhappy design on Charleston, and left its inhabitants secure from danger, and full of gratitude to their brave defenders. Here was a proud achievement for South Carolina, one on which sectional feelings, if they existed, would well sanction our rejoicing. There was nothing sectional, however, in the revolutionary times or spirit, and this brilliant event was hailed throughout the United States as a most fortunate omen in the common cause of liberty. It imparted hope and confidence to the rising energies of freemen, and taught the invincibility [?] of men, who determined to be free. The skepticism of General Lee was changed into praise and congratulations, and the brave garrison of the Palmetto fort, received the thanks of the American Congress.

'Many of these gallant men performed singular deeds of valor, and the name of Jasper, who proved on this occasion, that patriotic devotion which he afterwards sealed with his life at Savannah, will long be dear to Carolinians. Can you forget, people of Carolina! the noble enthusiasm of the dying soldier, M'Daniel, who, when the streams of life were flowing from his patriot heart, cried out to his comrades, "*don't let Liberty expire with me to-day!*"—And it did not expire—the prayer ascended to heaven, and the Almighty, in his mercy granted, and in his goodness will perpetuate it. What think you, luxurious citizens of peaceful prosperity, of that patriotic devotion which gave, not only the Roman tribute to patriotism of gold and jewellery, but stripped the garment from the back of the soldier to wad the cannon that defended his country; and this too, when opposition was hopeless and submission was profitable; when he fought with a halter round his neck, and defeat was ruin. Such were your countrymen, who defended Fort Sullivan, thence forward known deservedly as *Fort Moultrie*. Two of them alone survive. May they feel happy in the renewed honors of the day. May heaven long preserve them to share in its festive celebration, and to rejoice in the prosperity of the nation, which they aided to emancipate.' pp.13—16.

But it must not be inferred from our former remarks, and this

citation, that Mr Crafts' address is purely narrative. It is introduced by a very appropriate and lofty train of reflection and sentiment, on the character of our fathers; and the peroration is not less marked by generous and patriotic feeling. Their tendency to promote the feelings of this class,—common feelings to citizens of a common, but immensely extensive country, various in climate, productions, interest, manners, and character,—is the best effect of our revolutionary celebrations. They take but a most superficial view of the subject, who think the effect is confined to the particular days of festivity, or to the erection of the more permanent memorial, which is connected with them. The existence or the want of a cordial sympathy between the north and south and west, in this country, is of more importance to it, than the acquisition of all the West Indies. There have been moments in our political history, within fifteen years, when a thrill of common national sympathy would have saved inestimable worth of treasure and blood to the country. Everything, that tends to promote and nourish such a sympathy, everything that carries us back to objects of common pride, every inch of 'true American' ground, (for we like that derided phrase,) which we can gain, is worth another Louisiana purchase to the country.

10.—*Variedades; ó Mensagero de Londres; Periódico Trimestre.* Por El Rev. Joseph Blanco White. Nos I—VII. 1823—1825. Ackermann. Londres.

The editor of this publication, the Reverend Blanco White, has for several years been known by his various writings, as a scholar of great attainments, and rare talents. He is a native of Spain, although of Irish descent. Early in the revolutionary scenes of the Peninsula, he became involved in the political excitements of the times, and went over to London about the year 1810. In April of that year he commenced there a periodical Journal, in the Spanish language, entitled *El Español*, which was devoted chiefly to the political events in Spain and South America. It circulated in those countries, was conducted with ability, and continued four years, or till the middle of the year 1814. The whole series amounts to eight octavo volumes, and is now become scarce. No other work contains so complete a history of Spain, during that eventful period, or of the first movements of the revolution in South America. Several interesting articles are inserted in various parts, on Spanish customs, institutions, laws, and literature, written by the editor and other persons. Blanco White is understood to be the author of a popular work in English, to which his name is not affixed; and also to have contributed some of the ablest articles in the Quarterly Review.

The publication, in which he is now engaged, is worthy of particular notice in this country, inasmuch as it is devoted to the affairs of South America, and intended exclusively for that market. The first Number was issued in January, 1823, as an experiment. It succeeded so well, that at the beginning of the next year a second Number was sent out, and the work has since been published quarterly. The contents of this Journal are various, as its title imports, touching on politics, history, the moral and physical sciences, geography, and polite literature. The editor's judgment is, in our opinion, exceedingly good, both in the arrangement of his plan, and the choice of materials. The whole performance is well adapted to increase a taste for reading in South America, to satisfy the inquisitive, communicate knowledge to a large class, and promote literary and intellectual refinement. When we reflect, that all the republics at the South speak the same language, and that this work is suited to them all, it cannot be doubted that it will exercise a wide influence. It could not be in better hands, than those of its gifted and experienced editor. Among the articles of high merit, which we have read, are those on the Uncertainty of Political Science, on the Sovereignty of the People, an Analysis of the new Constitution of Chile, and an essay of uncommon strength and excellence, entitled Important Counsels on Intolerance, addressed to Spanish Americans. *(Consejos Importantes sobre la Itolerancia dirigidos a los Hispano-Americanos.)* A tone of liberal and energetic thought pervades all these articles; and the same, indeed, may be said of everything the author writes. One part of the work is devoted to Reviews, and the editor selects such books as will be of value to his readers in America. Biography occupies another part; and we are presented with short accounts of some of the heroes of South America, particularly of Bolivar, Bravo, Guadalupe Victoria, and Mina. The publisher prefixes to each Number a handsomely engraved portrait of some distinguished person; and well executed designs and drawings, illustrative of useful or curious subjects, are occasionally inserted; thus creating a taste for the arts, as well as a desire for knowledge. To those persons in the United States, who learn the Spanish language, with a view of becoming acquainted with the progress of things in South America, or of forming any relations with that country, this publication may be confidently recommended, as the best they can obtain.

We are glad to learn, that elementary books in Spanish, designed for schools in South America, are publishing in London. Several works of this sort are reviewed by the editor of the *Variedades*, and others have been published, embracing together nearly all the branches of primary education.

QUARTERLY LIST OF NEW PUBLICATIONS.

AGRICULTURE.

Memoirs of the Pennsylvania Agricultural Society; with Selections from the most approved Authors, adapted to the Use of the Practical Farmers in the United States. Philadelphia. 8vo. pp. 322.

Introductory Discourse to a few Lectures on the Application of Chemistry to Agriculture, delivered before the New York Atheneum. By William James MacNevin. 8vo. pp. 40. New York. G. & C. Carvill.

The author has committed a slight mistake in affixing a name to his discourse; it should have been a *Eulogy on Agriculture*. Not that we are disposed to be out of humor with him for this oversight, or to express any other disapprobation than that, which naturally arises at hearing things called by wrong names. He touches on Chemistry, it is true, and contrives to bring together many facts in relation to this subject, as well as to agriculture, which show the separate importance, and mutual relations of both of these sciences —if, indeed, we speak according to the book in calling agriculture a science.

He suggests a benevolent, if not a novel plan, for disposing of a class of 'ill starred mortals,' as he calls them, 'who are occasionally seen hovering over the horizon of Broadway;' or, in less poetical language, those young spendthrifts, who early come into possession of large fortunes, and ruin themselves by extravagance and dissipation. 'He would save those falling stars from the sad reverse, and at least make competence secure.' In short, he recommends agriculture as a sovereign remedy for the moral maladies of dandyism, idleness, and a wicked waste of fortune. We have full faith in the wisdom and efficacy of his prescription. The next thing is to have it properly applied, and to set up an agricultural school on Long Island, or the Jersey shore, the pupils of which shall be exclusively supplied from the opulent idlers in Broadway, and employed in the healthful exercise of the plough, the hoe, and other 'georgical implements.' This is an excellent project, and it will be a bright day in the annals of social improvement, when it shall be put in execution. The author paints in animating colors the advantages, delights, and profits of agricultural pursuits, both as a means of supplying all the reasonable wants of life, and as promoting intellectual vigor, health, good spirits, and happiness.

Original Communications, made to the Agricultural Society of South Carolina; and Extracts from Select Authors on Agriculture. Published by Order of the Society. Price $1,25. Charleston, S. C.

ARTS, SCIENCES, AND PHILOSOPHY.

The American Journal of Science and Arts. Conducted by Benjamin Silliman. Vol. IX. No. 2. June 1825. New Haven.

Transactions of the American Philosophical Society, held at Philadelphia, for Promoting Useful Knowledge. Vol. II. New Series. Philadelphia.

BIOGRAPHY.

The Life and Character of the Chevalier John Paul Jones, a Captain in the Navy of the United States during the Revolutionary War. 1 vol. 8vo. pp. 364. With a Portrait. By John Henry Sherburne. New York.

Memoirs of Keopuolani, late Queen of the Sandwich Islands. 12mo. pp. 48. Boston. Crocker & Brewster.

Memoir of Catherine Brown, a Christian Indian, of the Cherokee Nation. By Rufus Anderson. Second Edition. 18mo. pp. 144. Boston. Crocker & Brewster.

Life of the Marquis de Lafayette; Major General in the Service of the United States of America in the War of the Revolution. By Robert Waln, jr. 8vo. pp. 505. Philadelphia. J. P. Ayres.

DRAMA.

Phelles, King of Tyre; a Tragedy. New York.

EDUCATION.

Walsh's Mercantile Arithmetic. Fifth Edition. Salem. J. R. Buffum.

Adam's Latin Grammar, with some Improvements, and the following Additions; Rules for the right Pronunciation of the Latin Language; a Metrical Key to the Odes of Horace; a List of Latin Authors arranged according to the different Ages of Roman Literature; Tables, showing the Value of the different Coins, Weights, and Measures, used among the Romans. By Benjamin A. Gould. 12mo. pp. 284. Boston. Cummings, Hilliard & Co.

Familiar Spelling Book; being a New Practical System for teaching English Pronunciation and Spelling with greater Despatch, &c. By Jesse Torrey, Jr. Philadelphia. John Grigg.

The Institutes of English Grammar, methodically arranged; with Examples for Parsing, &c. By Goold Brown. Baltimore. S. S. Wood & Co.

Comly's Grammar considerably enlarged and improved. Fourteenth Edition. Philadelphia. Kimber & Sharpless.

Plan of a Seminary for the Education of Instructers of Youth. By Thomas H. Gallaudet. 8vo. pp. 39. Boston. Cummings, Hilliard, & Co.

This is not so much an account of any practicable plan of such a Seminary, as an enumeration of the advantages of such a plan. These are stated fully, and with much earnestness. A few sensible and pertinent remarks on this sub-

ject may be seen in President Lindsley's Address at his Inauguration in Cumberland College, Nashville, which was noticed in our last number.

Lectures on Female Education. By James M. Garnett. Third Edition. 18mo. pp. 389. Richmond. Thomas W. White.

A Grammar of the Greek Language, translated from the French of J. L. Bournouf; by Edward Damphoux. Baltimore. F. Lucas, Jr.

GEOGRAPHY.

Geographical Questions for the Use of Schools; adapted to the Maps and Charts in most common Use. 18mo. pp. 54. Middletown, Connecticut. E. & H. Clark.

HISTORY.

Annals of Portsmouth; comprising a Period of Two Hundred Years, from the first Settlement of the Town; with Biographical Sketches of a few of the most respectable Inhabitants. By Nathaniel Adams. Portsmouth. Published by the Author.

Annals of the American Revolution; or a Record of the Causes and Events, which produced and terminated in the Establishment and Independence of the American Republic, &c. By Jedidiah Morse. 8vo. pp. 450. Hartford.

A History of Political and Military Events of the late War between the United States and Great Britain. By Samuel Perkins. 8vo. pp. 512. New Haven. S. Converse.

View and Description of the City of New Orange, (now New York,) as it was in the Year 1673; with explanatory Notes. By Joseph W. Moulton. With an engraved View of the City at that Period. New York.

LAW.

Reports of Cases Argued and Adjudged in the Supreme Court of the United States, February Term, 1825. By Henry Wheaton. Vol. X. 8vo. pp. 504. New York.

Laws of the State of New York, in Relation to the Erie and Champlain Canals, together with the Annual Reports of the Canal Commissioners, and other Documents requisite for a complete official History of these Works. With Surveys, and other Engravings. Containing a detailed Account of the Dimensions and Cost of the Canal and the several Locks. 2 vols. royal 8vo. Albany.

Reports of Cases Adjudged in the Supreme Court of Pennsylvania. By Thomas Sergeant and William Rawle, Jr. Vol. IX. 8vo. Philadelphia. P. H. Nicklin.

The Office of Surrogate, and Executor's and Administrator's Guide; with Precedents and Forms suited to all Cases in Relation to the Duties of Executors, and Administrators. By T. Attwood Bridgen, Surrogate of Albany. 8vo. Price $1,50. Albany. William Gould & Co.

Wheeler's Criminal Cases. Vol. III. 8vo. Albany. William Gould & Co.

The Maryland Justice; containing Approved Forms for the Use of Justices of the Peace of the State of Maryland, &c. Compiled by Ebenezer H. Cummings. Baltimore. Cushing and Jewett.

Trial of Moses Parker, James Buckland, Joseph Wade, William Walker, Cornelius Holley, Abraham Potts, and Noah Daremus, on an Indictment for the Murder of David R. Lambert, on the 3d of June, 1825, at a Court of Oyer and Terminer, held in and for the City and County of New York, on the third Monday of June, 1825, before Ogden Edwards, Judge of the First Circuit. 8vo. New York. H. Spear.

Strictures upon the Constitutional Powers of the Congress and Courts of the United States over the Executive Laws of the several States, in their Application to the Federal Courts. By a Citizen of Ohio. 8vo. pp. 17. Cincinnati. Morgan, Lodge, & Fisher.

The Doctrine of constructive Larceny considered, as developed in the recent Case of George Tyson, the Stock and Exchange Broker, who was tried at the Mayor's Court, for the City of Philadelphia, at the March Session, in 1825. By Charles B. Mumford. of the Philadelphia Bar. 8vo. pp. 36. Philadelphia. R.H. Small.

MATHEMATICS.

Elements of Geometry. By A. M. Legendre. Translated from the French for the Use of the Students of the University at Cambridge, New England, by John Farrar, Professor of Mathematics and Natural Philosophy. Second Edition, corrected and enlarged. 8vo. pp. 224. Boston. Cummings, Hilliard, & Co.

An Introduction to Algebra, upon the Inductive Method of Instruction. By Warren Colburn. 12mo. pp. 372. Boston. Cummings, Hilliard, & Co.

A Treatise on Surveying, &c. By the Rev. Abel Flint. Fifth Edition. With Additions and Illustrations. By George Gillet. 8vo. Hartford.

METAPHYSICS.

The Alphabet of Thought, or Elements of Metaphysical Science. By a Lady. Price 63 cents. Harrisburgh, Penn. Hugh Hamilton.

MEDICINE.

Contributions to Physiological and Pathological Anatomy. By John D. Godman. Philadelphia.

Medical Recorder. No. 31. Philadelphia.

An Analysis of the Mineral Waters of Saratoga and Ballston; with practical Remarks on their Use in various Diseases; containing Observations on the Geology and Mineralogy of the surrounding Country. By John H. Steel. Second Edition. 18mo. pp. 118. G. M. Davison. Saratoga Springs.

The Carolina Journal of Medicine, Science, and Agriculture, conducted by Thomas Y. Simons, and William Michel. Nos 1 and 2, for January and April, 1825. Charleston, S. C. Gray & Ellis.

The editors begin their prospectus by saying, that this is 'the first *Journal of Science*, which has ever been published in the State' of South Carolina. As such, it is an enterprise, that deserves encouragement, particularly at the South, where it is intended chiefly to circulate, and where it will call into action for the good of the community, a portion of talent, which would not be likely otherwise to be employed. Considering the miscellaneous readers, to whom a periodical journal must appeal for support in South Carolina, it was doubtless a wise resolution on the part of the editors to combine in one work the three branches of medicine, science, and agriculture. They propose occasionally to select articles from foreign journals, but the two first numbers are chiefly original.

The writer of the prospectus makes sad work with grammar and the English idiom, and if we are to judge from this specimen, it must be presumed, that the character of the Carolina Journal is to be established rather on its scientific and intellectual merits, than its precision of language, or graces of diction.

Remarks on the Disorders of Literary Men, or an Inquiry into the Means of Preventing the Evils usually incident to Sedentary and Studious Habits. 12mo. pp. 92. Boston. Cummings, Hilliard, & Co.

Typhus Syncopalis, Sinking Typhus, or the Spotted Fever of New England, as it appeared in the Epidemic of 1823, in Middletown, Connecticut.

On the Surgical Anatomy of the Groin, as connected with Hernia of the Abdomen. By Alexander F. Vaché. New York.

MISCELLANEOUS.

The Order of Exercises in the Chapel of Transylvania University; a Collection of Original Pieces in Honor of the Arrival of General Lafayette. 12mo. pp. 16. Lexington, Kentucky.

Memoir read before the Historical Society of the State of New York, December 31, 1816. By E. Benton. Second Edition, with Notes. New York. Wilder & Campbell.

Remarks on the Proceedings at Concord, N. H. on the Subject of Internal Improvement. 8vo. Price 20 cents. Boston.

An Essay on the Study and Promotion of the Greek and Latin Languages. By William White.

Notes on Virginia. By Thomas Jefferson. A new Edition. 1 vol. 12mo. Philadelphia. Carey & Lea.

Boston Monthly Magazine. No. 1. June, 1825. Boston.

Views on the Subject of Internal Improvement, Steam Boats on the Susquehanna, &c. By William Hollins. Nos 1 and 2. Baltimore. Etting Mickle.

A Lecture, being the Second of a Series of Lectures, introductory to a Course of Lectures, now delivering in the University of Maryland. By David Hoffman. 8vo. pp. 50. Baltimore. John D. Toy.

The Inquisition, examined by an Impartial Reviewer. No. 1 New York. Thomas O. Conner.

The New Jersey Monthly Magazine, for April, 1825. Edited by Thomas S. Wiggins. Vol. I. No. 1. 8vo. pp. 32. Belvidere.

The Long Island Journal of Philosophy and Cabinet of Variety. Conducted by Samuel Fleet, assisted by a number of Literary Gentlemen. Vol. I. No. 2. June, 1825. 8vo. pp. 50. Huntington, Long Island.

An Examination of 'Commodore Porter's Exposition,' in which some of the Errors and Inaccuracies of that Publication are rectified, and some of its Deficiencies supplied. By Richard S. Coxe. 8vo. Washington. Davis & Force.

Narrative of the Shipwreck of the Brig Betsey, of Wiscasset, Maine, and Murder of five of her Crew by Pirates, on the Coast of Cuba, Dec. 1824. By Daniel Collins, one of the only two Survivors. 8vo. pp. 52. Wiscasset. J. Dorr.

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It has long been known, that Milton wrote a theological work of this description, but as no traces of it could be discovered, it was supposed to be lost. The manuscript was accidentally found a few months ago by Mr Lemon, Deputy Keeper of His Majesty's State Papers, who was employed in arranging the papers deposited in the office, which contained the records of the Council of State during the time of Cromwell. Milton was at that period employed as Secretary of Foreign Languages, and together with the manuscript of this

work were found copies of his Latin letters. In the translator's 'Preliminary Observations,' the treatise is proved conclusively to be Milton's, although, as it was composed after his blindness, it is not in his own handwriting. It is written in two distinct hands, one of which is supposed to be that of his daughter, and the other that of his nephew.

The work is in two parts, the former treating upon articles of faith, or Christian doctrines; and the latter, upon rules of conduct, or scriptural ethics. A peculiar trait of the whole performance is, the author's exclusive reliance on Scripture, not only as the basis of his opinions, but as the foundation, the substance, and the entire scope of his arguments. An exact method is observed in the arrangement and division of the chapters; his positions are stated in a brief and lucid manner; texts of scripture then follow in the greatest profusion, collected from all parts of the sacred writings, and illustrating the point in question; and last of all, the results are deduced in few words, and the author's views explicitly unfolded. A charitable temper and truly christian spirit pervade every paragraph, and the asperity, so striking in some of Milton's earlier prose writings, never appears in this treatise. The translator has added numerous notes, containing quotations from the author's other compositions, as well in poetry as prose, and calculated to throw light on the text.

Considering the name of the author, the subject he discusses, and the period in which he wrote, this work must be accounted one of the most curious, which has ever been given to the public. It has been printed in England, by the command of the king, in two quarto volumes, one containing the original Latin, the other the translation, with a preliminary dissertation. We trust it will appear from the American press in the style, which such an acquisition to the literary and religious public deserves. We are wearied and disgusted with the miserable reprints, which some of our publishers have lately made of the best English authors. The present work is in the hands of Mr Metcalf, at the University Press, Cambridge, and if former experience and success on his part may be taken as affording any pledge in this instance, no reasonable anticipations will be disappointed. It is proposed to print the English only, which will consist of two octavo volumes.

READY FOR THE PRESS.

SKETCHES of the KINGDOM of ALGIERS, comprising a GEOGRAPHICAL, HISTORICAL, and POLITICAL ACCOUNT of that COUNTRY. By WILLIAM SHALER. Consul General of the United States at Algiers.

The manuscript of this work has arrived in this country, and will, as we learn, be immediately put to press. From the interesting nature of the subject, from the well known talents and qualifications of the author, and from the circumstance of his having resided ten years in the country he describes, high anticipations might justly be entertained of the value of his performance. After having perused the manuscript with care, we do not hesitate to say, that such anticipations will be fully realised. A brief sketch of the contents of the work will be enough to show the extent and variety of the topics it embraces, and the habits of critical observation with which they have been examined.

The first chapter is devoted to the geographical features of the Kingdom of Algiers, climate, soil, animals, natural productions, rivers, bays, and harbors, political divisions, towns, and population. The author next treats of the religion and languages of the country, the form of government, dependence on the Ottoman Porte, political and civil institutions, jurisprudence, finances, army, navy, piracy, treaties, political relations with foreign powers, salutes,

public forms and ceremonies. These particulars relate to the whole kingdom of Algiers, to the history, character, and present condition of the country at large.

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The work will be comprised in one octavo volume of a moderate size. It will be handsomely executed, and published without delay.

Reviews of Mr Hillhouse's 'Hadad,' and the 'Life of Josiah Quincy, Jr,' are necessarily deferred to a future number.

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ERRATA.

P. 106. l. 15 from top, for 'present' read 'purest.'—p. 112. l. 23, for 'salutary' read 'statutory.—ib. l. 20. for 'in' read 'or.'—p. 139. l. 10 from bottom, for '*the* benevolent' read 'its.'

Press of the North American Review.
I. R. BUTTS, PRINTER.

N 7 1939